



L A W S

O F

NORTH-CAROLINA.

At a GENERAL ASSEMBLY, begun and held at the City of RALEIGH, on the Second Day of November, in the Year of our Lord one thousand seven hundred and ninety-five; and in the twentieth Year of American Independence: Being the first Session of the said Assembly.

1795.

RICHARD D. SPAIGHT, Esq.
Governor

C H A P. I.

An Act for raising a revenue for the payment of the civil list and contingent charges of government for the year one thousand seven hundred and ninety-six; and to amend an act, entitled, "An act to amend the revenue laws of this state," passed in December, in the year one thousand seven hundred and ninety-one.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted Tax for 1796.
By the authority of the same, That for the year one thousand seven hundred and ninety-six, a tax of eight pence on every hundred acres of land in this state; and a tax of two shillings on every hundred pounds value of town lots with their improvements; and a tax of two shillings on every poll; shall be levied, collected and accounted for, as is directed by the several acts of Assembly in that case made and provided.

And whereas doubts have arisen with respect to the tax on billiard tables being perpetual: For remedy whereof,

II. *Be it further enacted*, That for the year one thousand seven hundred and ninety-six, a tax of twenty pounds on each and every billiard table in this state, be levied, collected and accounted for as other taxes. On billiard tables

III. *Be it further enacted*, That on all stud-horses a tax of one fourth part of what the owner of such stud-horse shall ask for the season of one mare, be levied, collected and accounted for as other taxes. On stud-horses.

IV. *Be it further enacted*, That the two-fold tax directed by the second clause of the before recited act to be collected, shall in cases of non-payment be distrained for, and sale made of the goods and chattels, lands and tenements, of each and every person failing to return lists of their taxable property, whether such persons have been warned by a Constable to give in his or her lists of taxables or not. Double tax how collected when liable to be paid.

V. *Be it further enacted*, That in all cases of failure of a Sheriff to settle his account within the time by law required, and to take the oaths prescribed by the before recited act, it shall be the duty of the Comptroller, and he is hereby directed, to report immediately on the same, allowing neither commissions nor disbursements, but adding to the account the sum of one hundred pounds, as the supposed amount of such delinquent's receipts from tavern-keepers and persons failing to give in their lists of taxable property. Comptroller's duty where Sheriffs fail to settle, &c. agreeable to law.

VI. *Be it further enacted*, That all entries of land heretofore made, or which shall hereafter be made, shall be, and the same are hereby declared to be liable to the payment of taxes, and shall be returned in the same manner, and paid at the same time as other taxable property. And if any entry of lands shall be caveated, it shall in that case be the duty of the person who originally entered the land, to return the same for taxation, such caveat to the contrary notwithstanding; and upon the caveat being determined, if the person who hath paid the taxes or returned the land for taxation, shall lose it, he shall be authorized to recover the amount paid, or which he is liable to pay, from the person in whose favour the caveat was decided. All entries of land liable to the payment of taxes. By whom returnable when entries are caveated, &c.

VII. *And be it further enacted*, That no sinking fund tax shall be collected for the said year. No sinking fund tax.

C H A P.

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C H A P. II.

An Act to amend an act, entitled, "An act for dividing the state into districts for the purpose of electing Representatives to Congress," passed at Newbern, in the year one thousand seven hundred and ninety-two.

Part of former
act repealed.

Time of holding
future elections,
&c.

Sheriffs of dis-
trict No. 3 where
to meet.

Time and place
of meeting of the
other returning
officers.

Musters on elec-
tion days declared
illegal.

Pen. for calling
them on such
days.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That so much of the second section of an act, entitled, "An act for dividing the state into districts for the purpose of electing Representatives to Congress," as relates to the time of holding the same, be repealed and made void; and that the said elections shall be held in each county within this state, on the same days, and at the same places, in the year one thousand seven hundred and ninety-six, that are or may be appointed for the annual elections of Members of the General Assembly; and at the same times and places every two years thereafter; save only that the elections for Representatives in Congress shall be conducted by the Coroners, and for the want of a Coroner, by the Sheriffs or their deputies in separate apartments, under the same rules, regulations and restrictions, as are prescribed by the laws heretofore made in this case, any thing to the contrary notwithstanding.

II. *And be it further enacted*, That the Sheriffs or other returning officers for district number three, shall in future meet at Martinsville, to compare the polls of their respective counties for Members to Congress; any law to the contrary notwithstanding.

III. *And be it further enacted*, That the returning officers of each and every election district in this state, shall meet at the places appointed by law in their respective districts, on the Thursday after the last election in any county of any such district, when and where they shall proceed to examine the poll and give certificates, in the manner and agreeably to the directions of the third section of an act of Assembly, passed at Newbern, in the year one thousand seven hundred and ninety two.

IV. *And be it further enacted*, That it shall not be lawful to call or direct any regimental, battalion or company muster, or to assemble armed men, on the day of any election. at any place appointed by law to hold elections for Members of Congress or Members of the General Assembly within this state, under the penalty of five hundred pounds, to be recovered of any person or persons who may call such muster or assemble such armed men, in the name of the Governor for the time being, and be applied one half to the use of the informer, and the other half to the use of the state.

C H A P. III.

An Act to encourage the cutting of Canals by subscription.

WHEREAS it has been demonstrated by the experience of the most improved and well cultivated countries, that opening communications by cutting canals, has been productive of great wealth and convenience: And whereas it has been represented to this General Assembly, that cutting canals through peninsulas or narrow necks of land, swamps and marshes, from one part of a river, creek, bay or sound, into the same, or from a river, creek, bay or sound, into any other river, creek, bay or sound, would greatly facilitate and encourage merchandize, and consequently contribute to the wealth and revenue of this state, by opening a more easy, safe and short conveyance for the produce of the greatest part of the country, to sea port towns and safe harbours; and also be productive of the most salutary effects, by draining noxious marshes, swamps and low lands, which will promote health, reclaim immense quantities of our most fertile lands, and in a peculiar manner tend to the wealth and welfare of this state, which it is the most ardent desire of this legislature at all times to promote by every useful undertaking:

Manner of pro-
ceeding to obtain
a passage for a
canal through
lands of persons
unknown, or-
phans, &c.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That when any number of subscribers shall or may have agreed to cut a canal or canals, and formed themselves into a company for that purpose, and the direct and necessary course of the same shall pass through the lands of any person unknown, orphans infants, or where the owner refuses to sell so much land as may be necessary for the passage of said canal or canals, and work incident thereto, that then it shall be lawful for the aforesaid subscribers, to exhibit a petition to the court of the county wherein the land lieth, setting forth the refusal of the owner or claimant, and the quantity of land required for the passage of the said canal or canals and works; whereupon the court shall, if they deem it necessary, proceed to appoint twelve freeholders, not attached to either party by consanguinity or affinity, who shall go on the premises, to view, lay off, and value on oath, as much of the said land as will be sufficient for the passage of the said canal or canals and works, that is to say, they shall estimate the value of a section or small strip of land, of the length and breadth deemed necessary for the passage of said canal or canals and works; and they shall consider if any damage, and what, the general landed property of the proprietors of the land may sustain by cutting a canal or canals through it in the manner proposed; and the said jury shall determine what sum of money the owner or owners of the soil ought to receive from the company so formed for cutting said canal or canals, which shall be returned under their hands and seals; and the company shall pay down the valuation money in court for the lands so laid off and obtained, and procure a record to be made thereof; which shall be a good and effectual seisin in law, to create to the said subscribers the sole use and property

property in said canals; and the money when paid into court, shall be received by the Clerk and paid to the owner or owners, or to the guardian or guardians of the owners in case of infancy. *Provided*, That the said owner or owners, guardian or guardians, shall have ten days previous notice in writing, of such application, and of the order of court, to the intent they may be present at such survey and valuation. *And provided also*, That the passage of the aforesaid canal or canals shall not interfere with or take away houses or other valuable improvements greatly to the injury of the proprietors; and that a good bridge or bridges be made over said canal or canals, for the free use of the proprietor of the land and the public, at the expence of the company. *And provided nevertheless*, That any person or persons owning land through which any canal or canals may pass, shall not be prevented from draining their land into such canals.

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Provisoes.

II. *And be it further enacted*, That when any of the aforesaid canals are cut, and such bridge or bridges built, as the county court may think necessary, the company shall submit their accounts of the whole expence, to the inspection of men to be appointed by the court of the county in which the said canal or canals are cut; who shall make a report thereon, which shall be recorded in said court; and the said canal or canals shall be rented out annually, by order of said court, at public vendue, and a toll shall be fixed yearly, if required by said court, for every kind of boats and rafts; and the rent as received annually, be paid to the subscribers, in proportion to their several subscriptions, until the several payments shall amount to the sum recorded in said court or courts, with six per cent. interest thereon; then the said canal or canals, with all the appurtenances thereunto belonging, shall be free from all toll, for the good and use of the public; any law, usage or custom to the contrary notwithstanding.

Proceedings after canals are cut.

III. *And be it further enacted*, That if any canal or canals shall not be finished within seven years from the time of obtaining the order of the county court for said purpose, then such lands so laid off, shall revert to the original owner or owners, their heirs or assigns; any thing herein to the contrary notwithstanding.

Time allowed for completing canals.

IV. *And be it further enacted*, That when any sum or sums of money shall be subscribed for the cutting of a canal or canals, and the same not regularly paid to the persons appointed to receive the same, the company are hereby authorized to commence suit or suits for the sum or sums so subscribed, and recover the same in any jurisdiction having cognizance thereof.

Company may prosecute delinquent subscribers

V. *And be it further enacted*, That the said company may sue and be sued, plead and be impleaded, under the denomination of the canal company.

May sue and be sued, &c.

C H A P. IV.

An Act to amend the laws heretofore passed concerning court-houses and prisons, and to provide for the safe keeping and humane treatment of persons in confinement.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That there shall be kept and maintained in good and sufficient repair, in each and every county in this state, a court house and common gaol; the whole expence of building whereof when there shall be occasion, as well as repairing such as are already built, shall be defrayed by the county wherein the same are situated: and the courts of the several counties respectively, are hereby invested with full power and authority, to lay and collect taxes from year to year as long as may be necessary, for the purpose of building, repairing and furnishing their several court-houses and gaols in such manner as they shall think proper; and from time to time to order and establish such rules and regulations for the preservation of the court-houses, and for the government and management of the prisons as may be conducive to the interest of the public, and the security and comfort of the persons confined.

Each county to have a court-house and gaol.

Courts empowered to lay taxes for the purpose, &c.

II. *Be it further enacted by the authority aforesaid*, That the several county courts shall appoint, as soon after the passing of this act as may be convenient, a suitable person residing within the county, to act as Treasurer of the public buildings; whose duty it shall be (after having given bond and satisfactory security in the name of the Chairman of the court, in such sum as may be required, for the faithful discharge of the trust reposed in him) to superintend the public buildings, and from time to time report the state and condition thereof; to recommend alterations, repairs or improvements, together with the sums requisite for carrying such alterations repairs or improvements into effect; to call to account and settle with all former Commissioners who may have received county or district monies for such purposes; to hear the complaints of persons confined respecting their diet and treatment; to examine into the conduct and character of the Jailer, and make information thereof to the court or grand jury of the county or district, as circumstances may require; to apply for and obtain from the Clerk, all papers and documents properly attested, which may be necessary for the collection of the taxes laid by the court; to see that the same be collected, accounted for and applied according to the intentions and provisions of this act. *And the* Treasurer so appointed and qualified, shall hold his office during good behaviour; and as a compensation for all his services, shall be entitled to retain a sum not exceeding five per centum of the monies which may pass through his hands.

Treasurer of public buildings to be appointed.

His duty, &c.

Tenure of his office. Compensation.

III. *Be it further enacted by the authority aforesaid*, That when it shall be necessary to lay taxes in any county in this state for the purposes aforesaid, it shall be the duty of the court, upon

Collectors to be appointed.

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- upon the nomination of the Treasurer of the public buildings, to appoint one or more Collectors to collect the taxes of that year; which Collectors, having entered into bond with sureties satisfactory to the Treasurer and the court, for the faithful collection and accounting for the same, shall be invested with the same powers, subject to the same penalties and restrictions, and entitled to the same compensation that Sheriffs are authorized by law to receive for collecting and accounting for the public taxes. And in case any Collector appointed in pursuance of this act, shall fail, neglect or refuse to account for the monies wherewith he may be chargeable when thereto required, it shall be lawful for the court, on motion of the Treasurer, to give judgment against such delinquent Collector and his securities, for the amount remaining due and unpaid, with costs; and thereupon to grant execution and levy the same accordingly.
- To give security.** IV. *Be it further enacted by the authority aforesaid,* That when the Treasurer of the public buildings of any county, shall in his report to the court of such county, recommend alterations, repairs or improvements to the court-house or gaol, and the court being satisfied of the utility thereof, it shall be lawful for such court, after having previously estimated the expence, to appoint one or more Commissioners, in conjunction with their Treasurer, to contract for carrying the same into effect, but such contract being concluded the powers of the Commissioners shall cease; and the monies payable thereon shall be advanced from time to time by the Treasurer, who is hereby declared to be solely responsible and accountable to the court, as well for the sufficiency of the work as the disbursements of the money. And the Treasurer shall at least once in every year, and oftener if thereto required by the court, exhibit a fair account of his receipts and expenditures, setting forth the monies received, and at what time; the sums expended, to whom, for what use, and at what time: A complete transcript of which account shall be posted up in the court-house for public inspection; and if the Treasurer shall fail, refuse or neglect to exhibit the same, he shall be liable to be sued upon his bond, and also to such fine, in addition thereto, as the court may think proper to impose, not exceeding fifty pounds. *Provided nevertheless,* In the appointments of the Treasurer and Commissioners directed by this act, there shall be present a majority of the acting Justices in the counties respectively.
- Their powers, &c.** V. *Be it further enacted by the authority aforesaid,* That after the expiration of three years from the passing of this act, there shall be provided within each of the district gaols of this state, at least four comfortable and secure apartments; which shall be designated, by inscriptions over the door of each, to the following purport, CRIMINAL'S ROOM, DEBTOR'S ROOM, FEMALE PRISONER'S ROOM, NEGROES ROOM: And all white male persons charged with offences against the state shall be committed to the first, white male debtors to the second, white female prisoners of every description to the third, and negroes of every description to the fourth. And when the Treasurer of the public buildings shall have reported to the court of the district and county wherein the gaol is situated, that the several apartments aforesaid are adequate to the secure confinement of such persons as may be committed thereto, it shall be the duty of the Jailer to confine those committed to his custody, in the apartments provided and designated for persons of the description of which the prisoner may be; and in case a Jailer shall wantonly or unnecessarily confine prisoners committed to his keeping, otherwise than by this act is directed, it shall be a misdemeanor in office, and upon conviction he shall be fined at the discretion of the court trying the same.
- How prosecuted for delinquency.** VI. *Be it further enacted,* That the gaols of the several counties in this state shall be provided with at least three separate comfortable apartments; one for the confinement of debtors one for the confinement of criminals, and one other for the confinement of negroes.
- Commissioners to be appointed.** VII. *Be it further enacted by the authority aforesaid,* That for the purpose of enlarging and improving the several gaols in this state, there be appropriated, in aid of the sums to be raised by the counties wherein the same are situated, the sum of two hundred pounds, to be paid to the Treasurer of the public buildings for each county in this state, upon their respective applications to the Public Treasurer, and upon making it appear to his satisfaction that they have severally entered into bond pursuant to the provisions of this act, and that they are properly qualified to receive the same.
- Their duty in conjunction with the Treasurer.** VIII. *Be it further enacted by the authority aforesaid,* That all prisoners committed to any gaol in this state shall be permitted to purchase and send for such necessaries, in addition to the diet furnished by the Jailer, as they may think proper; and to provide their own bedding, linen and cloathing, without their being obliged to pay any perquisite to the Jailer for such indulgence: And if the keeper of a public gaol shall do or cause to be done any wrong or injury to the prisoners committed to his custody, contrary to the intentions of this act, he shall not only pay treble damages to the person injured, but such fine, not exceeding twenty pounds for each offence, in addition thereto, as the court of the county where the prisoner is confined, shall think fit to impose.
- Treasurer's duty respecting his accounts, &c.** IX. *Be it further enacted by the authority aforesaid,* That all and every person or persons who shall be hereafter committed to a public gaol by lawful authority, for any criminal offence or misdemeanor against this state, shall bear all reasonable charges for carrying and guarding them to the said gaol, and also for their support therein until lawfully released: And all the estate which such persons possessed at the time of committing the offence, shall be subject to the payment of the aforesaid charges, and other prison fees, in preference to all other debts
- Pen. for neglect.**
- In 3 years district gaols to be provided with four apartments.**
- Their designation, &c.**
- Jailer to confine all prisoners according to their description.**
- Pen. for acting contrary.**
- County gaols to have three apartments.**
- 200l. granted to each county for improving their gaols, &c.**
- Privileges allowed the prisoners.**
- Penalty on Jailer injuring his prisoners.**
- Prisoners confined for criminal offences to pay all expenses of their support, &c.**

debts or demands : And in case there be no visible estate whereon to levy such fees and charges, the amount shall be paid out of the state treasury, upon the best evidence which the nature of the case will admit of, and according to such uniform rules as shall be established by the Treasurer and Comptroller for that purpose.

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If insolvent to be paid from the treasury, &c.

X. *Be it further enacted by the authority aforesaid,* That whenever the Sheriff of the county wherein any district gaol is situated, or the person keeping such gaol, shall be apprehensive that there is danger of the prisoners escaping, either through the insufficiency of the gaol or other cause, it shall be his duty, without delay to make information thereof to a Judge of the Superior Court, the Attorney General or Solicitor-General, if either of those officers be in the county, and if not in the county, to three Justices of the Peace ; who are hereby authorised, upon consideration of the circumstances and information received, if they deem it advisable, to furnish the said Sheriff or keeper of the gaol, with an order in writing, addressed to the commanding officer of the county, setting forth the danger, and requiring him forthwith to furnish such guard as may appear to be suitable for the occasion : For which service the persons ordered out shall receive the same compensation that is or may hereafter be provided by law for the militia when called into the actual service for the defence of the state ; and on application at the treasury for the same, the letter to the commanding officer on which the guard was ordered out, the certificate of such commanding officer, countersigned by the Sheriff or Jailer, together with the deposition of the officer of the guard, setting forth the time of service, and that it was faithfully performed, shall be sufficient to authorise the Treasurer to pay the same ; for which he shall be allowed in the settlement of his accounts.

Duty of Sheriff, &c. when apprehensive of prisoners escaping.

Guard may be ordered if deemed necessary.

Their compensation, and

Manner of obtaining it, &c.

XI. *And be it further enacted,* That from and after the passing of this act, the Jailers in the several counties in this state, shall receive for each prisoner per day, for finding one pound of wholesome bread, one pound of good roasted or boiled flesh, and a sufficient quantity of water, and every necessary attendance, and keeping the prisoners clean, the sum of two shillings and no more. *Provided nevertheless,* this section shall continue in force only until the end of the next General Assembly.

Jailers allowance for prisoners subsistence, &c.

How long this section in force.

Whereas it frequently happens that persons are committed to gaol charged with crimes against the state, who prove insolvent, by which means the keeper of the gaol has no other way to procure payment for their prison fees than by applying to the General Assembly, and for want of sufficient vouchers to support such claim, they often fail having such justice done them as the nature of their claims may require : For remedy whereof,

XII. *Be it enacted by the authority aforesaid,* That from and after the passing of this act, it shall be the duty of all public Jailers that may in future lay their claims before the General Assembly of this state, to procure the following vouchers, *viz.* The Clerk of the court's certificate how the criminal was discharged or convicted, and also a certificate from the Sheriff whether or not the criminal was possessed of any visible property, and how he, she or they were disposed of, observing the directions of the law in such case made and provided.

Vouchers to be procured by Jailers to obtain the gaol fees of insolvents.

And whereas gaols are sometimes destroyed by fire or otherwise, and it has been doubted whether the county courts or Justices have a right to commit persons guilty of small offences or misdemeanors, to the district gaol :

XIII. *Be it enacted by the authority aforesaid,* That when there is no gaol in any county, it shall be as lawful for a Justice of the Peace or county court to commit the offender to the district gaol, as it would be for him or them to commit such offender to the county gaol ; and the district Jailer is hereby required to pay due respect to the commitment.

Offenders may be committed to the district gaol when there is no county gaol, &c.

XIV. *Be it further enacted by the authority aforesaid,* That all laws and parts of laws which come within the purview and meaning of this act, be and the same are hereby repealed and made void.

Repealing clause.

C H A P. V.

An Act to direct the manner of proceeding upon Impeachments.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That when any article or articles containing criminal or impeachable matter, shall be exhibited to the General Assembly against a public officer, a notice, signed by the Speakers of both houses, shall issue to the person accused, requiring him to appear within fifteen days, at the place where the legislature may be in session ; and upon his so appearing, it shall be the duty of the Clerk of the house wherein the articles of impeachment were first introduced, to furnish him, upon application, an attested copy of the articles exhibited, together with copies of all documents, depositions or papers in the possession of the house, which the person accused may deem necessary to his defence or exculpation ; and he shall also be allowed to make, in a writing addressed to the General Assembly, such answer to the articles exhibited, and such vindication of his official conduct, as he may think pertinent or material : Whereupon it shall be lawful to proceed in the consideration of the articles, and if it shall appear to a majority of both houses, that the person charged hath been guilty of criminal or impeachable conduct, he shall thenceforth stand suspended from the exercise of his official duties, and shall immediately enter into bond, payable to the person who shall be in the exercise of the executive branch of the government, in such sum, and with such sureties, as the legislature at the time may think proper to prescribe, due regard being had to the nature of the offence, and circumstances of the offender,

Mode of proceeding by the General Assembly against any public officer impeached, &c.

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Form of a warrant for apprehending any officer impeached, who fails to appear according to notice.

Court of impeachment by whom held, where, and at what time. Exceptions.

Speakers to forward all the papers to the Clerk where the impeachment is to be tried, who is to preserve them. Clerk's duty in enforcing the offender's appearance. Governor's duty where he escapes from the state, &c.

Managers to be appointed to assist the Attorney and Solicitor-Gen.

Compensation, &c.

When a Judge or the Attorney or Solicitor General is impeached, the Clerk of the superior court shall attend the court of impeachment.

His fees, &c.

Fees to the Judges of the court of impeachment.

Their power in requiring the at-

for the purpose of enforcing his appearance at the court before which he is to be tried, as hereinafter mentioned; or he may be committed to prison until he shall find sufficient bail, or stand committed without bail, as the two houses in their discretion may direct: But in case the person accused shall fail, or refuse to appear upon the notice, and within the time aforesaid, before the General Assembly, it shall be lawful to proceed to the consideration of the articles, and if admitted by a majority of each house, the Speakers shall without delay issue a warrant to apprehend him; which warrant shall be in the following form, *to wit*, To the Sheriff of the county of _____ and to all and singular the Sheriffs, Coroners, and other judicial and ministerial officers of this state: Whereas articles of impeachment have been exhibited and admitted in the present General Assembly, against _____ for certain high crimes and misdemeanors against the state; and whereas the said

_____ hath failed upon notice given to appear and abide the order of the General Assembly: You the said Sheriff of the county of _____ and all and singular the Sheriffs, Coroners, and other judicial and ministerial officers of each and every county within this state, are therefore commanded to take the body of the said _____ if to be found within your respective counties, and bring him before the court of _____ for the district of _____ on the _____ day of _____ to be dealt with according to law; and for your or either of your so doing, this shall be a sufficient warrant. Given under our hands and seals, &c.

II. *Be it further enacted by the authority aforesaid*, That the court for the trial of impeachments, shall be held by the Judges of the superior courts of law for the time being, at the court-house of the district wherein the offence is charged to have been committed, at the terms fixed by law for the sessions of such court, except when any of the Judges of the courts of law or equity, the Attorney-General, or Solicitor-General, may be the person impeached; in which case the legislature shall elect by joint ballot of both houses, at least three persons, properly qualified, who shall be styled Judges of the court of impeachments, to be commissioned by the Governor for that special occasion, and whose power and duty shall continue until final judgment of conviction or acquittal of the person or persons impeached, according to the verdict of a jury of good and lawful men as in other criminal prosecutions, shall have been pronounced or carried into effect, and no longer.

III. *Be it further enacted by the authority aforesaid*, That whenever an impeachment is admitted, it shall be the duty of the Speakers of the two houses to transmit copies of the articles admitted, together with every paper or document which may be deemed by the two houses or the person impeached, material in the case, to the Clerk of the court of the district wherein the cause is directed to be tried; who shall receive and preserve the same as records in his office; and if the offender be not apprehended, it shall be the duty of such Clerk, to issue the same process, and to use the same means, to enforce his personal appearance before the said court, as would have been legal and requisite, if the prosecution had been founded on the presentment or indictment of a grand jury: And if the person impeached shall have escaped from the state before his arrest, or being arrested, shall break custody and take refuge in another state, it shall be the duty of the person exercising the duties of Governor for the time being, to take and use all lawful and reasonable means, to cause the said offender to be reclaimed, so that the intentions of this act, and the purposes of justice, may not be evaded.

IV. *Be it further enacted by the authority aforesaid*. That it shall and may be lawful, in every case where an impeachment is admitted against any officer whatever, for the General Assembly admitting such impeachment, to appoint by joint ballot of both houses, such number of managers on the part of the state, to assist the Attorney-General and Solicitor-General, as may appear to be necessary; and the said managers shall not only be entitled to adequate compensation for their own services, but when the Attorney-General or Solicitor-General may be the person impeached, they shall be and are hereby authorized to employ counsel for and at the expence of the state.

V. *Be it further enacted by the authority aforesaid*, That when a Judge of any of the courts of law or equity, or the Attorney-General or Solicitor-General shall be impeached, and the General Assembly shall appoint Judges of the court of impeachment as aforesaid, it shall be lawful for them, and they are hereby authorized to require the Clerk of the superior court of law for the district in which the offender is to be tried, to attend at the time and place which shall have been prescribed by the General Assembly for the trial of such impeachment: And it shall be the duty of the said Clerk to attend from day to day, and act as Clerk of the court of impeachment; for which he shall be entitled to the same fees that are lawful in other criminal prosecutions, to be taxed by the court, and levied by execution in the usual manner, upon the property of the person impeached; and also such further sum for extra services, to be paid by the public, as the court may think reasonable. And the Judges of the court of impeachment respectively, shall be entitled to receive in full compensation for all services rendered by them, the sum of five pounds per day, during the time they may be obliged to remain at the place appointed for trial, together with the sum of twenty-five shillings for every thirty miles travelling to and from the said place; which sums shall be paid by the Treasurer upon the warrant of the Governor as in other cases.

VI. *Be it further enacted by the authority aforesaid*, That it shall be lawful for the Judges of the court of impeachment, and they are hereby authorized to require the attendance of the Sheriff

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Sheriff of the county wherein the court may be holden, and such number of Constables as may appear to them to be necessary, during the course of the trial; and previous to the meeting of the said court, the Judges are also hereby authorized and required to issue writs, or cause them to be issued by the Clerk, to the Sheriffs of the several counties composing the district in which the offender is to be tried, directing them to convene a majority of the acting Justices of the Peace of their respective counties, on a day or days to be appointed by the Judges, for the purpose of making out lists of jurors, whose qualifications and characters shall be above all exceptions, and whose numbers shall be the same that are usually returned to the superior court of law from each of the counties respectively. And upon the said Justices making out and delivering to the Sheriffs within each county a list of jurors as aforesaid, it shall be the duty of the several Sheriffs forthwith to summon them to appear at the time and place appointed for the trial of the impeachment; for which service they shall obtain certificates from the Clerk, to be paid in the same manner that other jurors are paid for attendance: they shall take the same oaths that are usually administered in criminal prosecutions, and for non-attendance, negligence, or misbehaviour, be subject to the same penalties and forfeitures.

tendance of Sheriff, &c. of the county, and in issuing process to the Justices to obtain jurors, &c.

VII. *Be it further enacted by the authority aforesaid,* That all process respecting any impeachment, shall be returnable to the court in which such impeachment is to be tried; and when offences are charged to have been committed in more districts than one, it shall be lawful for the General Assembly to direct in which of the said districts the trial shall be had; and all necessary process previous or subsequent to the trial, shall issue and be returned accordingly. And it shall be the duty of the Clerk of the superior court of law, wherein any trial of impeachment is directed or had, to preserve the proceedings of the court of impeachment in his office, as records which may be resorted to as such, and shall forever after be entitled to all the credit and authenticity, which are by law usually given to the attested proceedings of any other court of original jurisdiction in this state.

Process in case of impeachment, where returnable, &c.

Clerk's duty thereupon.

VIII. *Be it further enacted by the authority aforesaid,* That from the time of the admission of the impeachment by the General Assembly, the salary of the person impeached shall be withheld, until the final result of the trial be made known to the Treasurer; whereupon if he be acquitted, the salary shall be paid without deduction, in the same manner as if no such suspension had taken place; but in case the person impeached be convicted, all arrears of salary shall not only be considered as forfeited, but the offender shall be removed from office, and shall be thereby, and thenceforward, rendered incapable in law, to hold or accept any office of profit or trust under the authority of this state, for such number of years as the court trying the impeachment shall think proper to adjudge, and moreover be further liable to suffer such other pains and penalties, as the judgment of the court shall inflict.

Salary of persons impeached withheld until the final result of the trial, &c.

C H A P. VI.

An Act to amend an act, passed at Hillsborough, in the year of our Lord one thousand seven hundred and eighty-four, entitled, "An act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments."

WHEREAS by the before recited act, the inheritance of land, and other real estate in fee simple, descends to the males, in exclusion of the females, contrary to the policy of our government:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all females shall be entitled to take by descent, equally with the males, share and share alike, according to the rules of descent upon males in the before recited act; any law, usage or custom to the contrary notwithstanding.

Females entitled to inherit land by descent equally with males.

C H A P. VII.

An Act encouraging the draining of low lands.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, any person or persons owning pocoson or flat lands within this state, and being desirous to drain the same, but is prevented by the proprietor or proprietors of lands adjoining him or them, it shall and may be lawful for such person or persons, who are desirous to drain their said pocoson or flat lands, to prefer a petition to the court of the county wherein the said lands are situated, setting forth the particular circumstances of his or her case, situation of their lands, and to what stream or water-course he or she would wish to drain the same: Whereupon the court shall appoint twelve freeholders in the said county, not attached to either party by consanguinity or affinity, who shall go upon the premises, and examine the ground so petitioned to be drained, and that through which said canal or ditch shall pass, as also whether such canal or ditch shall appear necessary; and further, they shall direct the ditch to be cut in such manner and extent, as in their opinion will effectually secure the lands through which it passes, as well as that where it terminates, from inundation; and the jury aforesaid, shall upon oath value and assess what damage the proprietor or proprietors of the land

Manner of proceeding to be observed by persons desirous of draining their lands, &c.

Court to appoint 12 jurors.

Their duty, &c.

land

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land where such drain is to be cut shall sustain; and where the same shall appear necessary, the damages shall be paid before the petitioner or petitioners proceed to cut a ditch or ditches through or into such proprietor or proprietors lands; and when the petitioner or petitioners aforesaid, shall have so paid to the proprietor or proprietors of such lands as aforesaid, the damages or injury the jury might judge he or they sustained, he or they, their heirs or assigns, so paying, shall thereafter be vested with a good and sufficient title in fee for the lands so petitioned for.

Jury to make a
return of their
proceedings to
court, &c.
Compensation.

Proviso.

II. *And be it further enacted*, That in all cases where a jury is appointed for the purposes aforesaid, it shall be their duty to make a fair return of the whole of their proceedings to the next succeeding county court, which shall be recorded in the said courts respectively; and each of the jury appointed as aforesaid, shall be entitled to the sum of eight shillings for each day that they may necessarily be employed in laying off said ground; which sums shall be paid to each jurymen by the petitioner or petitioners. *Provided nevertheless*, That nothing in this act shall be construed so as to affect any person or persons cleared land or houses, unless by and with the consent of the proprietor or proprietors of said land. *And provided also*, That no such drain or ditch shall be cut so as to injure any pond or ponds belonging to any mill or mills which now are or hereafter may be established by law, or to prevent the proprietor or proprietors through whose lands the said ditch or canal may pass, from putting a fence or bridge across the same, provided such fence or bridge shall not obstruct the free passage of the water down said canal or ditch.

C H A P. VIII.

An Act granting further time for proving and registering bills of sale and deeds of gift.

Time allowed
for registering
bills of sale and
deeds of gift.
Their validity.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That all bills of sale taken, and deeds of gift made, and not already recorded in manner required by law, shall have a further time of twelve months allowed for probate and for registration; and shall when thus authenticated and perpetuated, be held and deemed as valid, to all intents and purposes, as if they had been proved and registered within the time required by an act passed at Fayetteville, in the year one thousand seven hundred and eighty-nine; any law, usage or custom to the contrary notwithstanding.

C H A P. IX.

An Act giving a further time for the registration of certain deeds issued from Lord Granville's office.

Time allowed
for registering
certain deeds.

Proviso.

I. **B**E it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That all deeds issued from the office of the late Earl of Granville, and not already registered, may have a further time of two years allowed for registration; and the proof necessary thereto shall be by parity of hands; *provided*, the person so offering the said grant to probate, shall first make oath that better proof of the execution of the said grant or grants cannot be by him procured; *provided also*, that the lands held under such deeds shall have been actually occupied by the original grantee, or some person under him, for the space of seven years, and taxes paid thereon for the said time. And all deeds under the description and condition aforesaid, proved and registered, shall be good and valid in law, and shall enure and take effect as fully and effectually, to the use and behoof of the grantees, their heirs and assigns, and those claiming under them, as if such deeds had been proved and registered agreeable to the directions of any act of Assembly heretofore made.

C H A P. X.

An Act to amend an act, entitled, "An act to prevent the inhabitants of South-Carolina driving their stocks of cattle from thence to range and feed in this province, and other purposes," passed in the year one thousand seven hundred and sixty-six.

WHEREAS the above mentioned act permits any person to drive cattle into this state, or through any part thereof, provided such person shall produce when called for a certificate specifying that such cattle were free from distemper or infection, and that no distemper or infection was known to be among cattle at the time of removal or purchase of said cattle, within five miles of the place whence they came; and it is found by experience that such certificate is insufficient: For remedy whereof,

Pen. on persons
driving cattle in-
to this state from
S. Carolina or
Georgia at cer-
tain seasons.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That no person whatever shall hereafter drive any cattle into this state between the first day of April and the first day of November in every year, from either of the states of South-Carolina or Georgia, under the penalty of forty shillings for each and every head of cattle brought into this state contrary to the meaning of this act, to be recovered by any jurisdiction having cognizance thereof, by any person suing for the same, one half to his own use, and the other half to the use of the state.

II. *Be it further enacted*, That no person shall hereafter drive any cattle from those parts of this state where the soil is sandy, and the natural productions or growth of timber is the long-leaved pine, into or through any of the high land parts of the state, where the soil or growth

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growth of timber is of a different kind, between the first day of April and the first day of November in every year, under the penalty of forty shillings for each and every head of cattle so driven, to be recovered and applied as before mentioned; nor shall any person hereafter within the said time drive any cattle from the highland parts of this state, into those parts where the long-leaved pine is the natural growth and production, under the like penalties, to be recovered and applied as aforesaid.

into the highland parts thereof.
On the contrary.

III. *And be it further enacted*, That no person or persons shall hereafter drive any cattle from any part of this state through any other part thereof, without first obtaining or carrying with him or them a certificate or certificates, under the hands and seals of two Justices of the Peace of the county where such cattle were severally and respectively purchased or collected from range, accompanied with an affidavit or affidavits of the owner or owners of said cattle, setting forth the place or places where said cattle were purchased, or had ranged as aforesaid, and describing therein the nature of the soil and growth of timber on such place or places, and also that said cattle were at the time of purchase or removal found and free from any infectious distemper. And if any Justice shall grant such certificate, without an affidavit of the owner or owners as aforesaid, it shall be deemed a misdemeanor in office.

Persons driving cattle thro' the state to have a certificate of the place from whence driven, & of their sound state at the time.

Justice not to give certificate without affidavit.

C H A P. XI.

An Act to alter the time of the annual meeting of the General Assembly.

I. **B**E it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the meeting of the next General Assembly of this state shall be on the third Monday of November, in the year one thousand seven hundred and ninety six, and on the third Monday of November in each and every year thereafter; any thing to the contrary notwithstanding.

Time of meeting in future.

C H A P. XII.

An Act to amend the third section of an act, entitled, "An act for levying a tax for defraying the contingencies of the several counties in this state, and other purposes," passed in the year one thousand seven hundred and seventy-seven.

I. **B**E it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That in addition to the duties therein prescribed for the County Trustee in the said third section, it shall, from and after the passing of this act, be the duty of the Trustee in each county within this state, and they are hereby required, to collect from those who have or may enter strays in their counties respectively, all sums that are or may be due for any stray or strays entered, under the same rules as they are to collect any other monies to them to be paid; and on all such collections they shall be entitled to retain six per centum. And if any person who has or may enter strays shall fail to account for the monies aforesaid, it shall be the duty of the County Trustee to commence suit for the same.

Duty of County Trustee in collecting monies from those who enter strays.

II. *And be it further enacted*, That the County Trustees respectively shall annually call on the Sheriffs of their counties, for the payment of all monies that may be in their hands due to the Trustees; and if any Sheriff shall fail to account for and pay the same, when the collections shall be made in due time, such Sheriff shall forfeit and pay the sum of fifty pounds, exclusive of his arrearages, to be recovered by information of said Trustee in open court, and execution thereon awarded agreeable to law. And if any County Trustee shall fail or neglect to comply with any of the duties prescribed in this act, he shall not only be liable for such monies as he may then or thereafter have in his possession, but shall be subjected to a penalty of fifty pounds, to be recovered by suit in any court of record, one half to the use of the informer, the other half to the use of the county, and shall not be eligible to a re-election in said office until he complies herewith.

His commissions. To sue those who fail to account.

To call on Sheriffs annually for a settlement.

Pen. on Sheriffs failing to pay up.

Pen. on County Trustee for neglect of duty.

C H A P. XIII.

An Act to amend an act, entitled, "An act for appointing an additional Judge of the superior court of the district of Morgan, and for the relief of persons who have or may hereafter forfeit their recognizances in the superior and county courts," passed at Fayetteville, in the year one thousand seven hundred and eighty-eight.

WHEREAS the above recited act gives power to the Judges of the superior courts to mitigate or absolutely remit forfeited recognizances; but said act does not point out in what manner the money is to be repaid to the person, after execution is levied and the money collected: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the Clerks of the several superior courts in this state, on the remission of any forfeited recognizance, on which execution hath been awarded, and the money collected and returned by the Sheriff to the Clerk's office, to refund and pay back to the person out of whose estate the said execution was satisfied the full amount of the money so collected, or so much thereof as shall be remitted by the Judges agreeable to the before recited act.

On remission of a forfeited recognizance, Clerk to refund the money where it has been collected into his office.

II. *And be it further enacted*, That in case the Clerk has paid the same into the treasury, that then and in that case it shall be the duty of the Treasurer, and he is hereby required, to pay and refund to the person from whom it has been levied and collected, the amount thereof,

If paid into the treasury, Treasurer,

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 surer's duty
 thereupon, &c.

thereof, on their producing an attested copy of the record from the Clerk of the court, certifying that such recognizance hath been remitted or mitigated, the time of forfeiture, the sum for which the execution was awarded, and the precise sum by them remitted, signed with his own proper name, with the seal of the court affixed thereto; which certificate shall be a sufficient voucher for the Treasurer for the amount expressed in said certificate; any law, usage or custom to the contrary notwithstanding.

C H A P. XIV.

An Act to enable the Secretary to collect the monies due him from the Entry-takers and Grantees.

WHEREAS many of the Entry-takers have neglected to account for and pay the monies by them received under the act of one thousand seven hundred and eighty-two, as fees for perfecting the grants for the lands entered in their respective offices, and there being no mode pointed out whereby the same can be recovered: For remedy whereof,

Made of proceed-
 ing by the Secre-
 tary against delin-
 quent Entry-
 takers.

I. *Be it enacted*, That it shall be the duty of the Clerk of the court of the county wherein such delinquent Entry-taker may reside, and they are hereby required, on application of the Secretary or his attorney, to furnish him with such delinquent Entry-taker's bond; and the Secretary is hereby fully empowered and authorized to institute suit in his own name on such bond, against such Entry-taker or his securities, without assignment from the Governor, and on such suit to recover judgment, to be discharged on the payment of such sum as may appear to be due from each Entry-taker as aforesaid; and the amount of such judgment shall be endorsed on such Entry-taker's bond, and the same shall be again returned to the Clerk's office from whence it was first taken.

And whereas there is no provision for the payment of the fees for the grants on entries made, in the treasury, under the last act of Assembly:

Fees on grants
 when to be paid.

II. *Be it enacted*, That the Secretary shall, at the time of issuing the grants, demand and receive from the grantee, or persons applying, the fees for such grant.

C H A P. XV.

An Act to exonerate the securities of guardian bonds after a limited time.

WHEREAS by law there is no given time for orphans to settle with their guardians, by which means great injury arises to the securities of guardians:

Time when secu-
 rities of guardi-
 ans may be ex-
 onerated.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, any orphan coming to the age of twenty-one years, if he or she does not call on his or her guardian within three years from thence for a full settlement of his guardianship, the securities of such guardian shall be discharged from their securityship, in as full and ample a manner as if such security had not been bound. *Provided*, That nothing in this act shall extend to persons imprisoned, beyond seas, or non compos mentis.

Provide.

C H A P. XVI.

An Act to prevent any person who may emigrate from any of the West-India or Bahama Islands, or the French, Dutch or Spanish settlements on the southern coast of America, from bringing slaves into this state, and also for imposing certain restrictions on free persons of colour who may hereafter come into this state.

Pen. on persons
 coming to settle
 in this state land-
 ing therein any
 slave over the age
 of fifteen years.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of April next, it shall not be lawful for any person coming into this state, with an intent to settle or otherwise, from any of the West-India or Bahama Islands, or the settlements on the southern coast of America, to land any negro or negroes, or people of colour, over the age of fifteen years, under the penalty of one hundred pounds for each and every such slave or persons of colour, to be recovered before any jurisdiction having cognizance of the same, one-fifth to the use of the informer, and the other four-fifths to the use of the state.

The age of those
 brought in under
 15 to be sworn to
 if required.

II. *And be it further enacted*, That it shall be the duty of such person or persons bringing in any such negro or negroes, or people of colour, under the age of fifteen years, to prove the age of the same by his own oath, or the oath of some other person, before some Justice of the Peace, if the same be required.

Free persons of
 colour to give se-
 curity for their
 good behaviour.

III. *And be it further enacted*, That if any free person of colour shall come into this state, by land or water, or any slave shall hereafter be emancipated, he, she or they shall be compelled to give bond and security to the Sheriff, payable to the Governor for the use of the state, in the sum of two hundred pounds, for his, her or their good behaviour, during the time he, she or they may remain in this state; and it is hereby declared to be the duty of the Sheriff to apply to the above described persons, and take from them a bond as aforesaid; and if any person so applied to should refuse to give such bond; the Sheriff of the county where the person so applied to for the time being resides, shall be and is hereby authorized and directed, to take him, her or them into custody, and confine them and every of them in the gaol of the county, until the ensuing court, when it shall be the duty of said court to empanel a jury to enquire whether the person so confined comes within the meaning and purview of this act; and if the said jury shall find that such person does come within the meaning of this act, then and in that case the court shall compel such person to give bond as aforesaid.

Sheriff to apply
 to them for that
 purpose.

How to be pro-
 ceeded against, &
 what liable to,
 when failing to
 give bond, &c.

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said for his, her or their good behaviour, and upon failing so to do, the court shall order such person to be sold, for the benefit of the state, at public auction.

IV. *And be it further enacted*, That it shall be the duty of the several county courts in the state, to charge the grand juries of the respective counties to make presentment of all such free persons of colour as conduct themselves so as to become dangerous to the peace and good order of the state and county, upon which said presentment it shall be the duty of the court, to whom the same is made, to issue an order to the Sheriff to take into custody the person so presented, and him safely keep until the next county court, when a jury shall be empaneled, as before directed in this act, and a trial agreeably thereto had; and if any person shall be found guilty on such trial, he shall be compelled to give bond and security, as in cases of persons coming into this state contrary to this act; and in case of failure of the person so found guilty to give bond, he, she or they shall be sold, for the use and in the manner aforementioned.

Duty of the county courts when such persons behave disorderly, &c.

V. *And be it further enacted*, That when any number of negroes, or other slaves, or free people of colour, shall collect together in arms, and be going about the country, committing thefts and alarming the inhabitants of any county, it shall be the duty of the commanding officer of such county, or Captain of a troop of horse, upon three or more Justices of the Peace requiring the same, immediately to call out a sufficient number to suppress such depredations or insurrections; which detachment of militia shall be under the same rules and regulations, as in cases of invasion and insurrection, and shall be entitled to receive the same pay and rations as the troops of the United States, when in actual service; and if any person shall be wounded or disabled in suppressing such insurrection, he shall be provided for at the public expence, in the same manner as heretofore practiced in this state. *Provided nevertheless*, That if the officer above mentioned shall fail or neglect to order out a detachment of the militia in the above directed cases, his superior officer may, upon sufficient proof being made of the necessity of such a measure, order him or any other officer under his command to suppress such depredation or insurrection, and if the person so ordered shall fail to obey the same, they shall suffer as in cases of insurrection or invasion.

Militia to be called out when alarming depredations are committed, &c.

Regulations, pay and rations.

Provision when invalid.

Proviso.

C H A P. XVII.

An Act to amend an act, entitled, "An act to prevent the issuing of grants for lands entered with any of the Entry-takers in this state in certain cases;" and to prevent the issuing warrants of survey in manner as is described.

I. *BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That all entries for lands made with any of the Entry-takers under the second section of the before recited act, and for which the purchase money hath not been paid to the Treasurer, shall become and they are hereby declared to be null and void; and such lands shall revert to the state, and shall be free to be entered again in the same manner as if entries therefor had never been made, notwithstanding warrants may have been issued, and surveys thereof had, unless the purchase money for the same shall be bona fide paid by the enterers, their agents or assigns, into the public treasury, within six months from the end of the present session of the General Assembly.

Certain entries of land declared void,

And reverted to the state, &c.

II. *And be it further enacted*, That in all cases of failure under this act, the person or persons wishing to ascertain the same, and to make entry of the land so forfeited, and which shall revert to the state as aforesaid, shall make application at the Treasury office, and having obtained from the Treasurer a certificate, that the first enterer or enterers have neither by him or themselves, nor by his or their agent, paid for any part of the lands by him or them said to have been entered, or that having paid in part, he or they had not paid for certain numbers; in either of these cases, the person or persons obtaining such certificate, and filing the same with the Entry taker of the county in which the lands lie, shall be permitted to enter the same lands, or such parts thereof as are so certified as aforesaid, as not having been paid for; and shall thereupon have as full and complete title to the same, on his complying with the requisites of this act, as he or they would have had in case such lands had not been previously entered under the above recited act of February, one thousand seven hundred and ninety-five.

How to be entered by other persons, &c.

III. *And be it further enacted*, That for all entries of lands which may hereafter be made with any of the Entry-takers in this state, the purchase money shall be paid to the Public Treasurer within six months from the date of the entry, if for a greater quantity than three hundred acres; and for any quantity under that, twelve months; otherwise such entries shall be, and they are hereby declared to be, void and of none effect; and the lands so entered, which shall not be paid for within the time aforesaid, shall revert to the state, and shall be considered vacant and liable to be entered and secured by any person or persons complying with the requisites of this law; any previous issuing of warrants for and making of surveys of the same notwithstanding.

Entries where the purchase money is delayed declared void, &c.

IV. *And be it further enacted*, That it shall be the duty of the several Entry-takers immediately after the passing of this act, to issue warrants on the application of such persons who have made entries for lands in their offices since the eighth day of February last, in the same manner and under the same rules, as was heretofore prescribed by law; and on all entries

Duty of Entry-takers in issuing warrants for entries.

tries

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Proviso.

tries which may hereafter be made, to issue warrants of survey at the expiration of three months from the date of each entry. *Provided*, Nothing herein contained, shall authorize the issuing warrants of survey in cases of caveats, in any manner other than that heretofore pointed out by law.

Payments to the
state not to be
postponed, &c.

V. *And be it further enacted*, That the time of payment to the state, shall in no wise be postponed by means of entering caveats, or through other frauds or collusion; but in all cases of entry, the cash or certificates shall be paid into the Treasury within the time above limited; and the party ultimately failing to obtain the lands paid for, shall have his cash or certificates refunded to him in manner as is already provided by law.

And whereas it is represented, that sundry persons heretofore or at present Entry-takers, have, in order to evade the act of Assembly, passed in February, one thousand seven hundred and ninety-five, as above recited, fraudulently issued warrants on entries, by them pretended to have been made at some time previous to the first day of January, one thousand seven hundred and ninety-four, although no return of such entries hath ever been made to the Comptroller, and although no part of the purchase money therefor hath at any time been paid to the state, greatly to the injury of the public revenue, and contrary to their known duty:

Duty of the Se-
cretary in issuing
grants, &c.

VI. *Be it therefore enacted*, That from and after the passing of this act, it shall not be lawful for the Secretary of State to make out or issue a grant, on the return of any land warrant issued on an entry made previous to the eighth day of February, one thousand seven hundred and ninety-five (military warrants excepted) until the person who entered the land, or some person for him, shall make oath that the purchase money to the state hath been actually paid agreeably to law; and that the warrant on which the grant is claimed was fairly and justly obtained, and without fraud; unless it shall appear by the return of the Entry-taker, and lodged in the Comptroller's office, previous to the eighth day of February, one thousand seven hundred and ninety-five, that the land for which the grant is claimed, was properly entered and returned by the Entry-taker of the county; in which case the certificate of the Comptroller shall be a sufficient voucher for the Secretary to issue the grant on. *Provided*, That any person living at a distance from the seat of government, and being about to apply for a grant for lands in virtue of an entry made previous to the eighth day of February, one thousand seven hundred and ninety-five, may (if he chooses) instead of making affidavit in presence of the Secretary of State, present the Entry-taker's receipt for the purchase money to the court of his county, and having made affidavit in open court, and procured the receipt to be attested by the Clerk, and that together with the affidavit to be sealed with the county seal and directed to the Secretary of the State, forward the same to his office by any conveyance; and the receipt and affidavit so made, attested and sealed up as aforesaid, shall be a sufficient voucher for the Secretary to issue the grant on.

Pen. on Entry-
takers issuing
warrants on en-
tries after the ex-
piration of their
office, &c.

VII. *And be it further enacted*, That it shall not be lawful for any person who now is, or heretofore hath been, or hereafter shall be, Entry-taker in any county in this state, to issue a warrant or warrants on any entry made or pretended to have been made in the books kept by him when Entry-taker, after the time he shall cease to be such, on pain of forfeiting the sum of fifty pounds for each and every offence; to be recovered in any of the superior courts of law in this state by any person suing for the same, and applied one half to his own use and the other half to the use of the state; and on pain of being imprisoned at the discretion of the court, not exceeding three months; but each Entry-taker shall deliver up his books to the Clerk in open court at the time of his resignation or dismissal, or at the first court which shall happen thereafter, first particularly noting in the margin opposite each entry, all such entries on which warrants have not been issued, to the end his successors may, by written and particular order of the court, issue the same.

Entry taker to
give a certificate
to persons enter-
ing lands, &c.

VIII. *And be it further enacted*, That it shall be the duty of each and every Entry-taker in this state, at the time of making an entry for lands, to furnish to the person making the same, a certificate of the date, number of the entry, and quantity of acres contained in each entry; which certificate shall be lodged with the Treasurer by the person obtaining it, at the time when payment shall be offered.

County court
Clerks authori-
zed to receive the
books of all En-
try takers, &c.

IX. *And be it further enacted*, That immediately after the passing of this act, it shall be the duty of the Clerks of the several counties in this state, to demand, and they and each of them are hereby authorized to receive from the Entry-takers of their respective counties, and from those who have heretofore been Entry-takers and are now no longer such, and from the heirs, executors and administrators of all persons, who at any time between the month of December, one thousand seven hundred and seventy-seven, and the eighth day of February, one thousand seven hundred and ninety-five, have acted in that capacity, all books which have been by them, or any of them, kept for entries of land; and generally the said Clerks respectively shall have power to demand and receive from all persons whatever, in whose possession the same may be, all entry-office books as aforesaid; and the same having received, it shall be the duty of the said Clerks, to deposit the originals in their respective offices, for the safe-keeping and preservation of which they are hereby declared to be responsible.

Clerks to make
out and transmit

X. *And be it further enacted*, That as soon as the Clerks shall have obtained possession of the entry-books as aforesaid, it shall be their duty, and they are hereby directed, to make out

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out a fair and complete transcript of the books deposited in their several offices; which transcripts, after having been previously compared with the originals, under the inspection of the court, and properly attested, with the seal of the county annexed, shall be without delay transmitted by the Clerk making the same to the Secretary's office, on or before the first day of July next. And it shall also be the duty of the Clerks, not only to receive such books

transcripts thereof to the Secretary.

as may be delivered to them, and forward a transcript thereof as herein directed, but also to obtain information of the number and names of the several Entry-takers, who have acted in their respective counties at any time between the month of December, one thousand seven hundred and seventy-seven, and the eighth day of February, one thousand seven hundred and ninety-five; and particularly state to the Secretary, in a report which shall be subjoined to the transcript, the number of books which may be wanting, the names of the Entry-takers who originally made and kept the same, the names of their securities, together with the real or suggested causes wherefore such books cannot now be obtained.

To obtain the names of the several Entry-takers, &c. and report them to the Secretary, with the number of books wanting, &c.

XI. *And be it further enacted*, That the Clerks, upon producing to the courts of their respective counties, a receipt for the transcript, with the report thereto subjoined, made out, compared and attested as aforesaid, shall be allowed a reasonable compensation, to be paid by the Treasurer, on a certificate from the Clerk, countersigned by the presiding Justice, under the seal of the county, not only for copying such books, but for transporting the transcripts to the Secretary's office as aforesaid.

Clerk's compensation therefor.

XII. *And be it further enacted*, That should it so happen that any Entry-taker, or other person in whose possession the same may be, should refuse to deliver the books of his office, or the books of any Entry-taker which may be in his possession, custody or keeping, on the application of the Clerk of the county, or on his written and witnessed order, the person or persons so failing or refusing, shall forfeit and pay the sum of five hundred pounds, to be recovered by the Attorney or Solicitor-General, on the complaint of the Clerk to whom the books have been refused, and applied to the use of the state. And if any Clerk, after having received such books, shall fail, neglect or refuse to make out and transmit the transcripts as above directed, to the Secretary of State, such Clerk, so offending, shall forfeit and pay the sum of five hundred pounds, to be recovered and applied as other penalties in this act are directed.

Pen. on Entry-taker, &c. refusing to deliver up the books.

And on Clerk for his neglect.

XIII. *And be it further enacted*, That it shall not be lawful for any person or persons, to take or hold the books of the said Entry-takers in their possession, unless when permitted by this act, or unless the same shall come to his or their hands as executors or administrators. And if any person or persons, not being an Entry-taker, shall presume to possess himself or themselves of the Entry-taker's books for any county in this state, and shall make any official use of the same, or write therein, or intermeddle therewith in any manner whatsoever, shall forfeit and pay the sum of five hundred pounds, to be recovered and applied as other penalties in this act are directed; and shall on conviction thereof in any court of record, be liable to imprisonment not exceeding six months for each and every offence.

No person to hold or intermeddle with the books of an Entry-taker, unless entitled by this act, &c. under a penalty.

XIV. *And be it further enacted*, That all laws and clauses of laws heretofore passed, coming within the purview and meaning of this act, be and the same are hereby repealed and made void.

Repealing clause.

C H A P. XVIII.

An Act directing the manner in which the Clerks of the several superior and county courts shall hereafter make their returns to the Comptroller.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the express duty of the Clerks of the several superior and county courts, to make a return, at the first court which shall happen after the first day of January in each year, of all tax fees and fines, forfeitures and amercements, by them received, on oath; which oath shall be taken and subscribed in open court, if by a Clerk of the superior court, before the bench of Judges, and if of the county court, before the bench of Justices, and shall be signed by all the Judges or Justices present, as the case may be, and shall contain as well the names of all persons who have paid tax fees, as of all those who have in the preceding year been fined, amerced, or judged to have forfeited their recognizances, and from whom the monies have been collected, either in the whole or in part, stating the precise sum received from each: Which return, when made out, sworn to and subscribed as aforesaid, shall be transmitted to the Comptroller, on or before the first day of October, which shall next follow, under the same penalty as is already provided by law, and shall on like penalty be accompanied by a complete list or return of the names of all persons fined, amerced or adjudged to have forfeited their recognizances, during the preceding year, and the particular sums in which they have been fined, amerced or judged to have forfeited, as well those who have paid in full or in part, agreeably to the return above required; as those who have not paid any thing; which list or return shall be made out and presented to the court at the same time with the return above mentioned, and shall be sworn to and subscribed in like manner, and shall be lodged in the Comptroller's office, as a check on the returns which may be thereafter made.

Clerk's duty in making out his returns.

And in transmitting them to the Comptroller, &c.

II. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Comptroller, and he is hereby required, after the first day of October, in every year, to hire an

Comptroller's duty when the

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Clerks fail to make returns agreeable to this act, &c.

express and send to every Clerk within the state, who fails to make his return agreeably to law; which express shall be entitled to receive six pence per mile for going and returning from such Clerk's office, and the expence the Clerk shall be charged with; and the Treasurer shall enter up judgment against him for the same, as in other cases.

C H A P. XIX.

An Act to raise a fund for the support of an health officer and harbour master in the port of Wilmington in this state.

Collector to collect a tonnage duty.

To give bond, &c.

Money how appropriated.

Proviso.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That for the purposes aforesaid, the Collector for the port of Wilmington shall collect from each and every vessel arriving in said port from any foreign voyage, which shall enter and unload in said port, three cents per ton. And the said Collector shall enter into bond with the Commissioners of navigation for the time being, and their successors in office, in the sum of one thousand dollars, conditioned to pay them or their successors as aforesaid: the sum of five hundred dollars per annum, if the tonnage under this act shall amount to that sum, which said sum the said Collector shall annually pay agreeable to the tenor of his said bond, and if the tonnage received as aforesaid shall exceed that sum, the said Collector shall annually account for the surplus to the treasury of the United States. And the said Commissioners may and shall appropriate the same for the support of said officers, in such a manner as shall be prescribed by the laws of this state. *Provided*, That this act shall not operate or be in force until the sanction and consent of Congress be obtained thereto.

C H A P. XX.

An Act to empower the Commissioners of Navigation of the port of Wilmington, to appoint an health officer and harbour master for their said port.

Health officer to be appointed.

Commissioners to fix his salary, & may compel masters of vessels to report to him the state of their crews, &c.

To appoint an harbour master,

fix his salary, &

empowered to remove him.

May bring suit against Collector when necessary.

Proviso.

I. **B**E it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of navigation for the port of Wilmington for the time being, and their successors in office, are hereby authorized and empowered to appoint such person as they or a majority of them shall think proper, to act as an health officer for the port of Wilmington, under such rules and regulations as they shall deem proper and necessary, and shall pay him a sum not exceeding three hundred dollars per annum; and they are hereby authorized and empowered to make such rules and regulations to compel the master of any vessel arriving in said port to report to said officer the state and health of his crew and passengers, and respecting the place from whence the vessel came, as they shall judge necessary.

II. *And be it further enacted*, That the said Commissioners of navigation, or their successors in office, be hereby authorized and empowered to appoint such person as they may think proper, to act as harbour master of the said port of Wilmington, under such rules and regulations as they shall deem proper, and shall pay him a sum annually, not exceeding two hundred dollars, and the Commissioners are hereby authorized and empowered, to remove any health officer or harbour master, as shall be appointed under this act, for misbehaviour, inattention, or inability, at the discretion of said Commissioners.

III. *And be it further enacted*, That the Commissioners of navigation for the time being, and their successors in office, shall be and are hereby authorized and empowered, to commence and prosecute any suit which they shall and may deem proper, to recover on any such bond as shall or may be given by the Collector for the port of Wilmington, for any sum which may be thereon due and owing. *Provided nevertheless*, That this act shall not be in force until Congress shall have sanctioned and ratified an act, entitled, "An act to raise a fund for the support of an health officer and harbour master in the port of Wilmington in this state."

C H A P. XXI.

An Act to increase the pilotage for bringing and carrying vessels over the bar of Cape-Fear.

WHEREAS it hath been found by experience that the present rates of pilotage allowed for bringing vessels over the bar of Cape-Fear, are not an adequate compensation to the pilots of said bar for the difficulty and risk attending the navigation thereof:

Rates of pilotage over the bar of Cape Fear, after Jan. 1, 1796.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of January next ensuing, there shall be paid to the pilots of said bar, as well those of the new inlet as those of the main bar, for bringing vessels over the said main bar and mooring them at Fort-Johnston, and over the new inlet and mooring them at Five-Fathom-Hole, if mooring in either case should be required, and the same for taking vessels from Five-Fathom-Hole and Fort-Johnston out to sea, the following rates, *to wit*, For every vessel not drawing above six feet water, two pounds; every vessel drawing above six feet and not exceeding seven feet, two pounds two shillings and six pence; every vessel drawing above seven feet and not exceeding eight feet, two pounds seven shillings and six pence; every vessel drawing above eight feet and not exceeding nine feet, two pounds fifteen shillings; every vessel drawing above nine feet and not exceeding ten feet, three pounds two shillings and six pence; every vessel drawing above ten feet and not exceeding eleven feet, three pounds ten shillings; every vessel drawing above eleven

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eleven feet and not exceeding twelve feet, four pounds seven shillings and six pence; every vessel drawing above twelve feet and not exceeding thirteen feet, five pounds; every vessel drawing above thirteen feet and not exceeding fourteen feet, five pounds fourteen shillings; every vessel drawing above fourteen feet and not exceeding fifteen feet, six pounds twelve shillings; every vessel drawing above fifteen feet and not exceeding sixteen feet, seven pounds eleven shillings; every vessel drawing above sixteen feet and not exceeding seventeen feet, eight pounds eighteen shillings; every vessel drawing above seventeen feet and not exceeding eighteen feet, ten pounds ten shillings; every vessel drawing above eighteen feet and not exceeding nineteen feet, twelve pounds; every vessel drawing above nineteen feet and not exceeding twenty feet, fourteen pounds two shillings; and above twenty feet, at the rate of thirty-five shillings per foot, or part of a foot, on the last mentioned sum. *Provided nevertheless*, That such of the pilots of the main bar or new inlet, as shall not provide themselves with a good and sufficient decked boat, to be approved of by the Commissioners of navigation, on or before the first day of September next ensuing, shall not from and after that date be entitled to demand or receive the above rates, until they provide themselves with such good and sufficient decked boat, but shall receive no other or higher fees than they are now allowed by law to receive, under no less penalty for the first offence than forfeiture of double the rates therein allowed, and for the second offence suspension of their branch by the Commissioners aforesaid. *And provided also*, That if any of the said pilots, who shall have provided himself with such good and sufficient decked boat, shall fail, neglect or refuse to continue the same for the pilotage of said bar in good repair and condition, they shall from and after such failure, neglect or refusal, forfeit all the benefit of this act, and be excluded from receiving any other rates than those now receivable, under the penalty before mentioned of forfeiture of double the rates herein allowed for the first offence, and suspension of their branch for the second offence.

Provido.

Provido.

II. *And be it further enacted*, That the said penalties shall be recovered by any informer, for his own use, before any jurisdiction having cognizance thereof.

Penalties by whom recovered.

C H A P. XXII.

An Act to amend an act, entitled, "An act authorizing the county courts of pleas and quarter-sessions to divide and appropriate the real estate of intestates," passed in the year one thousand seven hundred and eighty-seven.

WHEREAS the above recited act is deficient, in as much as it omits to point out how the commissioners for dividing estates shall be summoned, or who shall administer the oath necessary for them to take: For remedy whereof,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, whenever any court shall, on any petition being filed and commissioners appointed, order the Sheriff of the county where the commissioners live to summon said commissioners to appear on the premises, for the purposes which may be set forth in said order, whose duty it shall be to summon the same; and when they or a majority of them shall have met, the Sheriff or some Justice of the Peace shall administer the oath prescribed by the aforesaid act, before they proceed to execute the purposes for which they shall have been appointed.

Sheriff to summon the commissioners.

He or a Justice may administer to them the oath.

C H A P. XXIII.

An Act to establish and incorporate a company for the purpose of cutting a navigable canal from Clubfoot's creek to Harlow's creek, and to repeal all acts heretofore passed relative thereto.

WHEREAS the opening the navigation from the waters of Neuse-river to Old Topfai inlet would contribute much to facilitate commerce; and whereas a number of persons are willing to subscribe and pay a sufficient sum of money, for the purpose of cutting the aforesaid canal, on condition that they, their heirs and assigns, shall be empowered by the Legislature to receive the profits arising from the same for a term of years: Therefore,

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to open books in the town of Newbern, on the second Monday in March next, under the management of Richard Dobbs Spaight, John Devereaux, James Wallace, David Ward, and William McClure, for receiving and entering subscriptions to the amount of ten thousand dollars, for the said undertaking, which subscriptions shall be made personally, or by power of attorney, and shall be in Spanish milled dollars, but may be paid in other silver or gold coin of the same value, and shall be kept open until the said sum shall be subscribed; and the said capital sum shall be divided into one hundred shares of one hundred dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise; and each person, at the time of subscribing, shall pay down to the said managers the sum of twenty dollars; and as soon as the whole number of shares, or two thirds of the same, shall have been subscribed, the managers aforesaid shall call a meeting of the subscribers, which shall be advertised in the public papers at least one month before the day appointed for the said meeting. *Provided*, That unless two thirds of the said capital shall be subscribed, all subscriptions made in consequence of this act shall be void, and the monies paid as aforesaid on account of each share shall be paid back to the respective subscribers. And in case

Books to be opened for taking subscriptions, &c.

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Subscribers in-
corporated.
To choose a Pre-
sident and Direc-
tors, &c.

Their power and
duty, &c.

Manner of ob-
taining the sub-
scription money,
&c.

Succession of
President, &c.
how kept up.

President, &c. to
be sworn.
Shares necessary
to constitute a ge-
neral meeting,
and proceedings
thereon.

case two thirds and less than the whole of the capital shall be subscribed as aforesaid, then the President and Directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered in whole shares as aforesaid, until the whole number of shares shall have been made up.

II. *Be it further enacted*, That in case two thirds of the said capital, or a greater sum shall be subscribed as aforesaid, the subscribers, and their heirs and assigns, from the time of the said first meeting, shall be and they are hereby declared to be incorporated into a company, by the name of the Clubfoot and Harlow's creek canal company, and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required, to elect a President and six Directors, for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time not exceeding three years, as the said subscribers or a majority of them shall think fit; and in counting the votes at all general meetings of the said company, each member shall be allowed one vote for every share as far as five shares, and one vote for every three shares above five by him or her held at the time in the said company; and any proprietor, by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her at any general meeting.

III. *Be it further enacted*, That the said President and Directors so elected, and their successors, or a majority of them, assembled, shall have power and authority to agree with any person or persons, on behalf of said company, to cut the said canal, and to erect such locks, and perform such other works as they shall judge necessary for the navigation of the said canal, and carrying from place to place and from time to time, and upon such terms and in such manner as they shall think fit; and out of the money arising from the subscriptions and tolls to pay for the same, and to repair and keep in order the said canal, locks and other works necessary thereto, and to defray all incidental charges, and also to appoint a Treasurer, Clerk, and such other officers, toll-gatherers, managers and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and settle, pass and sign their accounts, and also to make and establish rules of proceeding, and transact all the other business and concerns of the said company, in and during the intervals between the general meetings of the same, and they shall be allowed a satisfaction for their trouble therein, such sum of money as shall by a general meeting of the subscribers be determined. *Provided always*, That the Treasurer shall give bond, in such penalty and with such security as the said President and Directors, or a majority of them, shall direct, for the true and faithful discharge of the trust in him; and that the allowance to be made to him shall not exceed three pounds in the hundred, for the disbursements by him made; and that no officer in the said company shall have a vote in the settlement or passing his account.

IV. *Be it further enacted*, That the said President and Directors, and their successors, or a majority, shall have full power and authority, from time to time, as money shall be wanting, to make and sign orders for that purpose, and direct at what time and in what proportions the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the public papers; and they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for the carrying on and executing or repairing and keeping in order said works, until the sums subscribed shall be fully paid, and to order the sums to be lodged in the hands of the Treasurer, to be by him disbursed and laid out as the said President and Directors, or a majority of them, shall order and direct; and if any of the said proprietors shall refuse or neglect to pay their said proportions, within one month after the same is so ordered and advertised as aforesaid, the said President and Directors, or a majority of them, may sell at auction and convey to the purchaser the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in the public papers, and after retaining the sum due and charges of sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owners; and if such sale shall not produce the full sum ordered and directed to be advanced as aforesaid, with the incidental charges, the said President and Directors, or a majority of them, may, in the name of the company, sue and recover the balance, by motion, on ten days previous notice; and the said purchaser and purchasers shall be subject to the same rules and regulations, as if the said sale and conveyance had been made by the original proprietor. And to continue the succession of the said President and Directors, and to keep up the same number,

V. *Be it further enacted*, That from time to time, on the expiration of the terms for which the said President and Directors were appointed, the proprietors of the said company, at their next general meeting, shall either continue the said President and Directors, or any of them, or shall choose others in their stead; and in case of the death, removal, resignation or incapacity, of the President or any of the Directors, may and shall in manner aforesaid elect any other person or persons to be President and Directors, in the room of him or them so dying, removing, resigning or becoming incapable of acting.

VI. *Be it further enacted*, That every President and Director, before he acts as such, shall take an oath or affirmation for the due execution of his office; and that the presence of proprietors having sixty shares at least, shall be necessary to constitute a general meeting; and that there be a general meeting of the proprietors on the second Monday in December, in every year, at such convenient time as shall from time to time be appointed by the said general meeting, but if a sufficient number shall not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, until a general meeting of the proprietors shall be had, which may be continued from day to day until the business of the company is finished; to which meeting the President and Directors shall make report and render distinct and just accounts of all their proceedings, and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly meeting, after leaving in the hands of the Treasurer such sums as the proprietors or a majority of them shall judge necessary, for repairs and contingent charges, an equal dividend of all the net profits arising from the tolls hereby granted, shall be

ordered

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ordered and made to the proprietors of the said company, in proportion to their several shares; and on any emergency in the interval between the said general meetings, the President, or a majority of the Directors, may appoint a general meeting of the proprietors of the company, giving at least one month's previous notice in the public papers, which meeting may be adjourned and continued as aforesaid.

VII. *Be it further enacted*, That for and in consideration of the expences the said proprietors will be at, not only in cutting the said canal and performing other works necessary for this navigation, but in maintaining and keeping the same in repair, the said canal, locks, cauleways, and other works, with all their profits, shall be and the same are hereby vested in the said proprietors, their heirs and assigns, for the term of sixty years, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be exempt from the payment of any tax, imposition or assessment whatsoever; and it shall and may be lawful for the said President and Directors, at all times hereafter, to demand and receive at some convenient place, on all commodities transported through it, or over the cauleways, or on all boats and vessels, such toll or rates as shall be directed to be exacted and levied by the proprietors aforesaid at their yearly general meeting; *provided*, that the said toll or rates shall be made public by the first day of January in each year, and a copy thereof put up at each end of the said canal; and *provided*, that the said toll or rates shall not exceed twenty-five per centum on the cost and charges of cutting and keeping the same in repair; and in case of refusal to pay the tolls or rates at the time of passing the place aforesaid, and previously to passing the same, the collector of the said tolls may lawfully refuse passage to whoever refuses payment; and if any vessel, boat, raft, waggon or cart shall pass without paying the toll, then the said collector may seize such vessel, boat, raft, waggon or cart wherever found, and sell the same at auction for ready money, which so far as is necessary shall be applied to paying the said toll and all expences of seizure and sale, and the balance, if any, shall be paid to the owner; and the person having the direction of such vessel, boat, raft, waggon or cart shall be liable for such toll, if the same is not paid by the sale aforesaid.

Canal, &c. vested in the proprietors, and to be exempt from taxes, &c.

Rates of toll, &c.

VIII. *Be it further enacted*, That the said canal, and works to be erected thereon in virtue of this act, and the cauleways, when compleated, shall forever hereafter be esteemed and taken as public highways, free for the transportation of all goods, wares, commodities or produce whatsoever, and for travelling, on payment of the tolls or rates imposed as by this act is directed.

Canal, &c. to be deemed public highways, &c.

And whereas it is necessary for the making of said canal, locks and cauleways, and other works, that a provision should be made for condemning a quantity of land for the purpose:

IX. *Be it enacted*, That it shall and may be lawful for the said President and Directors, or a majority of them, to agree with the owners of any land through which the said canal is intended to pass for the purchase thereof, and in case of disagreement, or in case the owner thereof should be a feme covert, underage, non compos, or out of the state, on application to any two Justices of the county in which the land shall be, the said justices shall issue their warrant under their hands to the Sheriff of their county, to summon a jury of eighteen inhabitants of his county, of probity and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the Sheriff on receiving the said warrant shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every jurymen that shall appear, that he will fairly, justly and impartially value the land (not exceeding three hundred feet wide) and all damage the owner thereof shall sustain by cutting the canal through such land, according to the best of his skill and judgment, and that in such valuation he will not spare any person, through favour or affection, or any person grieve through malice, hatred or ill will; and the inquisition thereon taken shall be signed by the Sheriff and some twelve or more of the jury, and returned by the Sheriff to the Clerk of his county, to be by him recorded; and on every such valuation the jury are hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the President and Directors to the owner of the land, or his legal representatives; and on payment thereof the said company shall be seized in fee of such lands, as if conveyed by the owner to them and their successors by legal conveyance.

Manner of obtaining land necessary for the canal, &c.

X. *Be it further enacted*, That it shall and may be lawful for the public to take the said canal at any time when cut, into their hands, upon paying to the said proprietors, their heirs and assigns, double the costs and charges of cutting the said canal, and finishing the works and keeping the same in repair, together with lawful interest on the said costs and charges; and for this purpose all expenditures for cutting and finishing the works of said canal, and for keeping the same in repair, shall be fairly entered in bound books kept for that purpose by the Clerk, and to be laid before the General Assembly when called for by them.

Conditions on which the public may take the canal, &c.

XI. *And be it further enacted*, That said company shall build a bridge over said canal, where the road will cross the same (leading from Newbern to Beaufort) which shall be constantly kept in repair by said company during the aforesaid term of sixty years, which shall be free for the transportation of all goods, wares, commodities and produce whatever, and for travellers: And that all acts, and clauses of acts, which come within the meaning and purview of this act, shall be and the same are hereby repealed and made utterly void.

Company to build a bridge.

Acts repealed.

C H A P. XXIV.

An Act to annex part of the county of New Hanover to Sampson county.

I. *BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, all that part of New Hanover county lying west of a line beginning where the Sampson county line crosses Black river, thence down said river to Benjamin Robertson's lower mill branch, thence a direct course to Stewart's Ferry, on South-river, and thence up the same to the point of beginning, in Sampson line aforesaid, be, and the same is hereby annexed to the county of Sampson, and shall to all intents and purposes be considered as a part thereof.

Part of New-Hanover added to Sampson.

II. *Be it further enacted*, That James Stewart, David Dodd, Enoch Herring, and John Tredwell, junior, be and they are hereby appointed Commissioners to run the aforesaid line; which, when effected, shall be considered the dividing line between the said counties of Sampson and New-Hanover; and the said Commissioners are hereby required, as soon as the same may be compleated, to make two fair and accurate plats thereof, and return one to each of the courts of said counties, which shall there respectively be recorded by the Clerk thereof; for all which services the said Commissioners shall be allowed an adequate compensation (to be paid by the county of Sampson) as they may deem sufficient.

Commissioners for running the line.

III. *And be it further enacted*, That nothing herein contained shall be construed to prevent any collector of any taxes from collecting the same, in like manner as if this act had never been passed, any thing to the contrary notwithstanding.

Collector to finish his collections.

C H A P. XXV.

An Act for establishing a charitable fund for the relief of decayed mechanics in the towns of Fayetteville and Wilmington.

WHEREAS it is the wish of sundry mechanics, inhabitants of the towns of Fayetteville and Wilmington, that a fund, arising from their own contribution, should be established for the occasional relief of such as may be distressed : Therefore,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the mechanics of the towns of Fayetteville and Wilmington respectively, or as many of them as desire the same, and express that desire by subscribing the regulations on or before the first day of February next, shall have power and authority to assemble together, and form such rules and regulations as may be necessary to effect the purpose of this act, and are agreeable to the constitution of the state and the United States ; and all such rules and regulations, made as aforesaid, they shall respectively have power and authority to enforce in any competent jurisdiction, by and under the name of the mechanical society of the said towns respectively.

C H A P. XXVI.

An Act to amend an act, entitled, " An act for holding two separate elections for the county of Carteret," passed at Newbern, in the year one thousand seven hundred and ninety-one ; and one other act, passed at Fayetteville, in the year one thousand seven hundred and ninety-three.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, it shall be the duty of the sheriff of Carteret county, or his deputy, annually to attend at the two places for holding separate elections for the county aforesaid, as by law directed, and when the poll is closed, the Sheriff shall count out the scrolls in the presence of the two inspectors, and such other persons as choose to attend, and deliver a certificate to each of the inspectors, and keep one himself, setting forth the just number of votes so by him counted.

II. *And be it further enacted,* That the Sheriff of said county shall, at the close of the annual election, add to the number of votes by him received, the number of votes by him taken at each of the separate elections, and the person or persons highest in number shall be deemed and declared the persons duly elected to represent the county of Carteret in General Assembly, any law or custom to the contrary notwithstanding.

C H A P. XXVII.

An Act to suspend the operation of an act of Assembly, entitled, " An act to enable the county courts to appoint Commissioners to keep open rivers and creeks at their several falls for the passage of fish up the same."

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That the operation of the before recited act, in far as it regards Benjamin and Aaron Pylon, Rebecca Wilcox, and Richard Buchanan, be, and the same is hereby suspended for the space of one year after the passing of this act.

C H A P. XXVIII.

An Act to authorize and empower the Commissioners of the city of Raleigh to compel the inhabitants living within a certain distance of the said city to work on the streets thereof, and to pay poll taxes.

WHEREAS it is right, just and proper, that those who from their near residence to the city of Raleigh share in the advantages growing out of the improvement of it through the labour and taxation of others, should, in common with those who reside in the city, work on the streets thereof, and pay poll taxes :

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all persons dwelling within one quarter of a mile of the lands belonging to the state, which adjoin the said city, or within that distance of any lot within the same, and their male slaves of sixteen and under fifty years of age, shall be liable to work on the streets thereof, in the same manner as the inhabitants of the city are or shall be liable, and shall work accordingly ; and all journey-men or other free persons, of twenty-one years of age, who shall reside within the said distance for the space of four weeks, and apprentices of eighteen years old and upwards, shall also work, under the same pains and penalties as though they resided in the city ; and in case of the failure of any apprentice to appear and work agreeably to notice, on the days which shall be set apart for such purposes, the apprentice or apprentices so failing shall be deemed to have been prevented by his master, and the fine or forfeiture shall thereupon be levied of the proper goods and chattels of the master.

II. *Be it further enacted,* That all mechanics and others, of twenty-one years of age and upwards, who usually employ themselves and follow their respective trades and occupations within the city, or keep stores, tan-yards or work-shops, or assist in keeping such, within one quarter of a mile of any part thereof, shall also be liable to pay poll taxes, and shall pay in the same manner and at the same rates for themselves and families, as the inhabitants of the city, although they may not have either their bed or board in the same.

III. *And be it further enacted,* That those persons who are hereby rendered liable to work on the streets of the city of Raleigh, shall from and after the passing of this act be considered as being exempted from working on the public roads during the time they shall continue thus liable as aforesaid, and that no person, either in or out of the city, who under this act shall furnish three male slaves to work on the streets thereof, shall himself be liable to work in person.

C H A P. XXIX.

An Act to establish two places for holding general musters and elections for members of the General Assembly in the counties of Montgomery and Richmond.

WHEREAS it frequently happens, that at the time appointed for holding general musters and elections in the county of Montgomery, Pee-dee river is impassable, whereby a large number of the citizens are prevented in case of elections from giving their suffrages, and in case of musters, from attending and performing the duties enjoined by law : And whereas from the several water courses and distance of the extreme parts of the county of Richmond, it is in like manner rendered inconvenient to attend general musters and elections :

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the companies residing on the north-east side of Pee-dee river, shall hold their regimental musters as heretofore in the town of Henderson, and the companies residing on the south-west side, shall hold their regimental musters in Tindallville.

II. *And be it further enacted,* That the Colonel or commanding officer of the county of Montgomery is hereby directed and requested, to have the inhabitants of said county warned to attend, accounted as usual, at the two different places respectively, but that courts martial of said county shall be held in the town of Henderson, where all delinquents shall attend for trial.

III. *And be it further enacted,* That the Sheriff of Montgomery county shall as heretofore open and hold an election in Henderson town, for electing members of the General Assembly, at the time now appointed by law, which said election shall be conducted in the usual manner, and where all persons residing on north-east side of Pee-dee river, qualified as the constitution directs, shall be entitled to give their suffrages, and none others.

IV. *And be it further enacted,* That the Deputy Sheriff of said county of Montgomery, on the same day, shall open and hold an election for the purposes aforesaid in Tindallville, where all persons residing on south-west side of Pee-dee river, qualified as required by the constitution, shall be entitled to give their votes, and none others ; which said election shall be conducted in all respects by said deputy as now directed by law, and at sun-set of the second day, shall cause the scrolls

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to be drawn out and counted, in the presence of the inspectors, and shall cause a fair copy of the polls to be made out and signed by the inspectors, and on the same evening convey the same to the Sheriff at Henderson town, which said votes shall then, in the presence of the inspectors of that election, be added to the votes there given, and the persons having the greatest number of votes, after such addition, shall be declared duly elected to represent said county in the General Assembly.

V. *And be it further enacted*, That from and after the passing of this act, the companies on the south-east side of the old Cherraw road, in Richmond county, shall compose one battalion, and shall hold their regimental musters at the Fair Plains, and the companies on the north-west of said road, shall compose another battalion, which shall be distinguished by the name of the second battalion of the county of Richmond, and shall hold their battalion musters at the town of Rockingham, as heretofore.

VI. *And be it further enacted*, That the Colonel or commanding officer of the said county of Richmond is hereby directed and required, to have all the inhabitants of said county, who are liable to bear arms, warned to attend, accounted as usual, at the two places aforesaid respectively. *Provided always*, That every court martial shall be held as heretofore at the town of Rockingham, where all delinquents shall attend for trial.

VII. *And be it further enacted*, That the Sheriff of Richmond county shall in the usual form and manner open and hold an election for electing members of the General Assembly at the Fair Plains, on Thursday preceding the second Thursday and Friday in August, and on Tuesday thereafter, at String Fellow's mill, and at Rockingham, as usual, where all persons qualified as by the constitution shall be entitled to give their votes; all which elections shall be conducted as the law now directs, and at soon let every day, at every place as before prescribed, the Sheriff shall cause the scrolls to be drawn out and counted, in the presence of the inspectors, and shall cause a fair copy of the polls to be made out and signed by the inspectors, which said polls taken out and counted as aforesaid, at the Fair Plains and String Fellow's mill, shall on the last day of the annual election at Rockingham be added to the votes there given, and upon a fair calculation, adding all such numbers together, the person having the greatest number of votes after such addition, shall be declared duly elected to represent the said county in the next General Assembly.

VIII. *And be it further enacted*, That if any person or persons should appear to have voted at any more than one of the aforesaid places, or more than one time at any such elections, each and every person so offending, shall forfeit and pay the sum of five pounds, recoverable before any Justice of the Peace, one half to the use of any person who may sue for the same, and the other for the use of the county.

C H A P. XXX.

An Act to empower the court-martial of Mecklenburg county to divide the militia of said county into three battalions, and to appoint places of muster in each.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a majority of the commissioned officers of the militia of Mecklenburg county, be, and are hereby authorized and empowered to divide the militia of said county into three separate battalions, and to allot and point out the bounds which they may deem convenient to compose each battalion, and appoint a place for muster in each; and after the said division is effected, it shall be the duty of the Colonel or commanding officer of the county, with the several subordinate officers belonging to said battalion, to review the militia of each battalion, at such place or places as shall be appointed for that purpose as aforesaid.

II. *And be it further enacted by the authority aforesaid*, That the commanding officer of said county may, once in two years, call the whole of the militia in said county to be reviewed at the court-house, any law, usage or custom to the contrary notwithstanding.

C H A P. XXXI.

An Act establishing a separate election at Hogstown, in the county of Martin.

WHEREAS it hath been petitioned to this General Assembly, for relief of many of the inhabitants in the upper part of Martin county, from attending at so great a distance as the extent of said county compels them:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That an election shall be opened and held at Hogstown, in the county of Martin, on the Wednesday preceding the time of holding elections for the purpose of electing Representatives to Congress, and likewise for members of the General Assembly, which elections shall be conducted in every other respect as is or may be established by law.

II. *Be it further enacted by the authority aforesaid*, That when the election shall be closed on said Wednesday, at Hogstown as aforesaid, the boxes containing the votes shall be sealed and transmitted, together with a list of the voters, by the Sheriff or other officer legally authorized to hold the same, to Williamston, and when the polls shall be closed thereat, the seals shall be taken from the boxes, and the suffrages counted out and added to those taken at Williamston, and shall in every respect be considered as part of the election of said county.

III. *And be it further enacted*, That should any dispute arise concerning any person or persons having voted at the prior election held at Hogstown as aforesaid, such person or persons shall not be entitled to vote at Williamston, unless the same shall be decided by affidavit to the satisfaction of the inspectors.

C H A P. XXXII.

An Act to establish a separate election at Hogstown, in the county of Martin.

WHEREAS it hath been petitioned the present General Assembly, that the great extent of Martin county makes it inconvenient for the inhabitants residing in the upper end thereof to attend public elections at Williamston: For remedy whereof,

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That an election shall be opened and held at Hogstown, in the county of Martin, on the Wednesday preceding the time of holding elections for the purpose of electing Representatives to Congress, and likewise for Members of the General Assembly; which elections shall be conducted in every other respect as is or may be established by law.

II. *And be it further enacted*, That when the election shall be closed on said Wednesday, at Hogstown as aforesaid, the boxes containing the votes shall be sealed and transmitted, together with a list of the voters, by the Sheriff or other officer legally authorized to hold the same, to Williamston.

III. *And be it further enacted*, That when the poll shall be closed at Williamston, the seals shall be taken off the boxes, and the ballots counted out and added to those taken at Williamston, and shall in every respect be considered as a part of the election of said county.

IV. *And be it further enacted*, That should a dispute arise concerning any person or persons having voted at the prior election held at Hogstown as aforesaid, such person or persons shall not be entitled to vote at Williamston, unless the same shall be decided by affidavit to the satisfaction of the inspectors.

C H A P. XXXIII.

An Act to empower the county court of Montgomery to appoint persons to copy the books of the Register in said county.

WHEREAS it is represented, by petition to this General Assembly, that the books of the Register in said county are worn and defaced as scarcely to be legible:

I. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the county court of Montgomery, at their court of pleas and quarter sessions which shall be first held after the passing of this act, be and they are hereby empowered and required, to appoint and nominate some proper person, whole

whose duty it shall be with the Register of said county to transcribe and copy in a fair and legible manner such books in the Register's office of said county as in the opinion of said court are so defaced and torn as to require transcribing; for which service, and expence in purchasing books for that purpose, they shall be allowed such sum as said court shall deem adequate for their labour and expence in performing such appointment.

II. *Be it further enacted*, That when the Register and the person to be appointed by said court shall have completed the business by this act enjoined, the books wherein such new entries are made, together with the original books, shall be committed to examination of three men, to be appointed by said court for that purpose, who shall examine the copies and make such correction as they may conceive necessary, so as to render them conformable to the originals, and shall sign such book or books as exaninets, and certify that they are accurately and literally copied; and such book or books shall have the same credit and validity as the originals would be entitled to in all courts of record in this State.

III. *And be it further enacted*, That the allowance to be made by said court shall be paid by the County Treasurer, out of the county tax of said county; and provided the said tax should be deemed insufficient, the said court is empowered to lay such additional tax for the year one thousand seven hundred and ninety-six, as shall be sufficient and adequate.

C H A P. XXXIV.

An Act granting the inhabitants of the county of Cumberland the privilege of a separate general muster and election in said county, and to grant the inhabitants of Northampton the privilege of separate elections.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the companies of Captains Northington, Folsom, Turner and Clarke, shall be mustered and trained at the place to be appointed by Commissioners for that purpose.

II. *Be it further enacted*, That James Campbell, Robert Draughton, Samuel Northington, Samuel Williams and Thomas Armstrong, be and they are hereby appointed Commissioners for fixing on said place, which when effected shall be the place of mustering and training the men in the companies aforesaid; and the Lieutenant Colonel commandant, or commanding officer, with the other field officers, shall attend at such place as shall be appointed by said Commissioners, for the purpose of training and exercising said men agreeably to the military discipline; and the said officers are hereby further required, to cause the men in said companies to be notified to meet at the place to be fixed on as aforesaid, under the same penalties for non attendance at the court house, as the militia law in such cases point out.

III. *And be it further enacted*, That when the Commissioners aforesaid shall fix on a place for holding a separate general muster, the inhabitants of the districts aforesaid shall at the said place have the privilege of a separate election, where all the citizens in the said district, that are entitled to vote, shall also have the privilege of giving their suffrages, as well for a member in the House of Representatives of the United States in Congress, as for members of the General Assembly of this State, under the same rules, regulations and restrictions as by law in like cases heretofore prescribed; and the county court of Cumberland shall, and they are hereby required, to appoint inspectors, who shall with the Sheriff of said county, or his lawful deputy, attend and conduct the same accordingly, on Wednesday preceding the second Thursday and Friday in August in each and every year, which shall be the time of holding said separate elections; and when all the suffrages shall be given at the time and place aforesaid, the Sheriff or his lawful deputy, with the inspector, shall proceed to count out the votes aforesaid, and the number total for each candidate shall be transmitted by the Sheriff or his deputy to the court-house of Cumberland county, and on the last day of the election to be holden thereat, the whole numbers of both places shall be added together, and the candidate having the highest number shall be declared as by law directed, any thing to the contrary notwithstanding.

IV. *And be it further enacted*, That Eaton Haynes, John Lockhart, Richard Putney, William Mitchell and Buckner Williams, be and they are hereby appointed Commissioners, to fix on a proper place in the upper end of Northampton county, for the purpose of holding separate elections for representatives to the Congress of the United States and members of the General Assembly; and the Sheriff or his deputy is hereby required to open and hold a poll at the place so appointed, on the Wednesday preceding the second Thursday in August in each and every year; and that William Edmonds, Dew Jenkins, James Cotton, Benjamin Cockley and Lemuel Lawrence, be and they are hereby appointed Commissioners, to fix on a proper place in the lower end of said county for the purpose aforesaid; and the Sheriff or his deputy is required to open and hold a poll at the place so appointed, on the second Thursday in August in each and every year; and the ballots by him taken at the said election, he is required to seal up in the presence of the inspectors, and transmit, together with a list of the voters, to the court house of the said county on the Friday following.

V. *And be it further enacted*, That a poll shall be opened and held at the court-house of said county on the Friday succeeding the second Thursday in August; and the ballots taken at the other two places, together with these at the court-house, shall be counted out in the presence of the inspectors, and the persons having the greatest number of votes shall be returned duly elected.

VI. *And be it further enacted*, That any person voting at any two of the said elections in the same year, shall forfeit and pay the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, one half to the use of the State, the other half to the use of the person suing for the same.

C H A P. XXXV.

An Act to repeal part of an act, entitled, "An act to amend an act, entitled, An act to establish a town on the land of William Herritage, at a place called Atkyn's Banks, in Lobbs county," passed in the year one thousand seven hundred and eighty-four.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, all that part of the before mentioned act, which relates to the exemption of male inhabitants from working on public roads, contained in the tenth section of said act, and also the whole of the eleventh section of the said act, be and they are hereby repealed and made void.

C H A P. XXXVI.

An Act to pardon and restore to credit William Morgan.

WHEREAS William Morgan was convicted of petit larceny at the county court of Montgomery:

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That William Morgan be and is hereby declared to be pardoned and restored to credit, in as full and ample manner as if he the said William Morgan had never been convicted of the said crime; and that due faith and credit shall be given to his oath and testimony in all judicial proceedings in this State, any thing to the contrary notwithstanding.

C H A P. XXXVII.

An Act for the better regulation of the town of Wilmington.

WHEREAS in all well regulated towns, particular attention ought to be paid to weights and measures, as also to the size and quality of bread:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the Commissioners for the town of Wilmington shall be, and they are hereby authorized, empowered and required, at their first meeting after their annual election, to fix and establish such rules and regulations, and to make such bye laws, as to them shall appear necessary to regulate the weighing and measuring of all such articles as are usually brought to the market of the said town, and vendued therein by weights and measures, agreeably to the present standard of weights and measures, or such other standard as may hereafter be established by Congress, and to enforce such rules, regulations and bye laws by fine, on the offender or offenders: *Provided nevertheless*, That

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That no bye law made as aforesaid, shall be in force or have effect within five days after the passing thereof. And the said Commissioners are hereby authorized and required, to publish an assize of bread in said town, once in every month, and on failure to do so, shall forfeit and pay the sum of two pounds, to be recovered by the wardens of the poor, by warrant from, and before any Justice of the Peace for the county of New-Hanover, and applied to the use of the poor of the parish in said town of Wilmington; and the said Commissioners are hereby empowered and required, to make such orders and regulations, respecting the assize and quality of bread to be sold by the bakers in said town, as to them shall appear necessary and proper; and it shall be the duty of the said Commissioners, or any two of them, to visit such bakers shops, for the purpose of weighing and examining all bread by them offered for sale; and in all cases where the said bread shall be found under the assize or quality, the same is hereby declared to be forfeited, and shall be given to the poor of said town: And the said Commissioners may at any time make, alter or amend the assize, or rules and orders respecting the same, and shall annually publish this law at the court house or market house in said town.

And whereas in a well regulated police, uniform rules and rates of wharfage and labour should be established:

II. *Be it further enacted*, That the Commissioners of the town of Wilmington shall, and they are hereby authorized and required, at their next meeting after every annual election, to ascertain, fix and establish the rules and rates of wharfage per day to be taken by any person having the possession of any wharf in said town, for any vessel or vessels, boat or boats, lying at the same, or for the landing on or rolling over any goods, wares and merchandizes, or produce of any and every kind whatever; and such rates shall be published annually, under the signature of the magistrate of the police; and when so published, they shall be the only rates which shall be taken or demanded by any person in the said town for wharfage as aforesaid: *Provided nevertheless*, That the Commissioners of said town may at any time make new or alter the old rates, as they may think proper, but every alteration of rates made, shall be published previously to the time of their taking effect, at least five days.

And whereas all negroes hiring themselves as daily labourers, are required to have a badge for that purpose; and whereas in many instances said negroes refuse to work, and waste their time in idleness, by reason of which they are often obliged to commit thefts for the purpose of procuring the wages due their owners: Therefore,

III. *Be it further enacted*, That the Commissioners of the town shall, at every first meeting after their annual election, make and establish such orders and regulations as to them may seem proper, to compel negroes so badged to work when called upon, and to fix and proportion the hire of said negroes according to the time they or any of them may be employed, and to establish rates of portage and cartage in said town, and at any time to amend and alter the same, for the benefit and convenience of the inhabitants of said town, and others trading thereto.

IV. *Be it further enacted*, That all fines and penalties to be inflicted, and recovered by the Commissioners of the town of Wilmington, shall be for the use of said town, unless otherwise particularly directed, and shall be recovered by warrant, under the hand and seal of the magistrate of police for the time being, or any two of the Commissioners, in case of the absence of said magistrate, directed to the Sheriff, his deputy or any constable of the county of New-Hanover, or the constable of said town, who are hereby severally required to obey the same, and upon any judgment given by said magistrate of police, or Commissioners of the town, execution may issue against the body or bodies, or goods and chattels of the person or persons against whom the judgment shall be given; and the said abovementioned officers are hereby directed to execute the same, in the same manner as in cases of executions issued from any Justice of the Peace, and they shall be entitled to the same fees as are allowed by law on warrants and sales of goods on executions from Justices of the Peace as aforesaid: *Provided*, That any person aggrieved by the judgment of the said magistrate of police, or Commissioners, shall have a right of appeal from such judgment to the county court, as in cases of judgments given by Justices of the Peace.

V. *And be it further enacted*, That the Commissioners of the town of Wilmington shall not for the future levy any tax or contribution, on any person or persons bringing provisions to said town, unless the same shall be expended to sale in the market house thereof: And that in future the election for Commissioners of said town shall commence at twelve o'clock of the day prescribed by law, and shall continue until sunset of the same day, when the poll by the proper officer shall be closed in the manner prescribed by law.

C H A P. XXXVIII.

An Act to emancipate a mulatto boy by the name of Gustavus Adolphus Johnston, in the county of Chowan, and also a mulatto girl by the name of Amy Phillips, in the county of Brunswick.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act that the said mulatto boy, now aged about four years, by the name of Gustavus Adolphus Johnston, in the county of Chowan, shall be liberated and set free, and henceforward called and known by the said name; under which he shall henceforward be entitled to all the privileges of a free person of mixed blood in this state, and shall and may receive, hold, enjoy and possess any real or personal property which he may hereafter acquire by purchase or descent, in as full and ample manner as if he had been born free.

II. *And be it further enacted*, That Amy, a mulatto girl, the property of Drury Allen, in the county of Brunswick, be also liberated and forever set free, and henceforward called and known by the name of Amy Phillips; under which name she shall henceforward be entitled to all the privileges of a free person of mixed blood in this state, and shall and may receive, hold and enjoy any real or personal estate which she may hereafter acquire by purchase or by descent, in as full and ample a manner as if she had been born free, any thing to the contrary notwithstanding.

C H A P. XXXIX.

An Act for altering the names of certain persons therein mentioned.

WHEREAS it is the earnest request of John Hutchins, of Perion county, that his name be altered to that of John Burden:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the name of John Hutchins shall be altered to that of John Burden, and that he shall henceforth be called and known by the said name, and by the said name of John Burden he may sue and be sued, plead and be impleaded, in any court of law or equity, and obtain and possess lands and all other species of property, by will, devise, donation, grant, purchase, or otherwise, and he may by his name aforesaid sell and dispose of lands or other property, and finally, in all things, the said John Burden shall be capable in law or equity of negotiating and transacting all manner of business, in as full and ample manner as if he had been called and known by no other name from the time of his nativity, any law, usage or custom to the contrary notwithstanding.

And whereas Anthony Rofs, deceased, was the only brother of Joseph Rofs, and the said Joseph being desirous to have the name of his deceased brother revived, by being added to his present name:

II. *Be it therefore enacted by the authority aforesaid*, That from and after the passing of this act, the name of Joseph Rofs shall be changed and altered to that of Joseph Anthony Rofs, and by the said name of Joseph Anthony Rofs he may sue and be sued, plead and be impleaded, and do and perform all other matters and things, in as full, complete and ample manner, as if he the said Joseph had been so called, named and known from the time of his nativity.

C H A P. XL.

An Act to alter the names of certain persons therein mentioned, and to entitle them to inherit in the same manner as if born in wedlock.

WHEREAS it is the earnest request of William Ferrell, of Franklin county, that his two sons, Cordy Horton and Leighton Horton, should have their names altered by act of Assembly to that of Cordy Ferrell and Leighton Ferrell, and that they be thereby entitled to inherit in the same manner as if they had been born in wedlock:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the said Cordy Horton and Leighton Horton, sons of the said William Ferrell, which were born before his intermarriage with his present wife, shall forever hereafter be known, distinguished and called by the names of Cordy Ferrell and Leighton Ferrell, and by those names shall respectively take, inherit and claim any estate, either real or personal, which may be devised or may descend to them, in the same manner as if they had been born in wedlock; and they shall also by the said names respectively sue and be sued, answer and be answered, plead and be impleaded, and in every respect be considered, to every intent and purpose, in the same situation and condition as if they had been the legitimate issue of the said William Ferrell and his said present wife.

C H A P. XLI.

An Act to emancipate Frank, a person of colour.

WHEREAS Milly Anderson, a free woman of colour, hath represented to this General Assembly that she hath purchased a certain negro man Frank, for a valuable consideration, and is his legal wife: And whereas the said Milly hath petitioned this General Assembly to emancipate and let free her said husband:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That the aforesaid person of colour, Frank, shall hereafter be emancipated and absolutely let free, by and under the name of Frank Anderson, and be entitled to all the privileges and immunities which free people of colour enjoy in this state.

C H A P. XLII.

An Act to enable certain persons therein named to cut a navigable canal from the Hearn-Bay to Swan-Quarter-Bay, in Hyde county.

WHEREAS it is represented to this General Assembly, that by cutting a navigable canal from Hearn Bay, of Mattamuskeet lake, to Swan Quarter Bay, in the county of Hyde, would be of great public utility to that part of the State:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That William Carrowan, Zachariah Jarvis and Josiah Jarvis, be appointed Commissioners, to exercise, design and lay out the said canal, and carry the same into effect, in such manner as to them shall appear most advisable to perfect the navigation thereof.

And whereas a number of public spirited persons, being willing to further a work of such a beneficial nature, have offered liberally in contributing thereto: Therefore,

II. *Be it further enacted,* That the said Commissioners, or a majority of them, are hereby empowered, from time to time, to receive subscriptions from any person or persons who may be willing to contribute to the said undertaking, and that all such monies as now are, or hereafter may be, subscribed therefor, and the same not being regularly paid, may be sued for and recovered by the said Commissioners, in any jurisdiction having cognizance thereof.

III. *Be it further enacted,* That in case of the death, resignation, removal or refusal to act, of any of the Commissioners aforesaid, that all vacancies shall be filled by appointments made by the county court of Hyde, and that such Commissioners appointed as aforesaid shall at all times be able and capable in law, under the name and title of the Commissioners of the Swan Quarter canal, to sue and be sued, plead and be impleaded, and to take and pursue all lawful ways and means that they may deem necessary, for carrying the purposes of this act into effect.

IV. *Be it further enacted,* That it shall and may be lawful for the Commissioners aforesaid, and they are hereby authorized and empowered, to cut the said canal through any person's land where it may be necessary to carry the same: *Provided always,* That all damages occasioned thereby shall be ascertained by a jury, to be appointed by the county court of Hyde; which valuation shall be paid by the Commissioners aforesaid.

V. *And be it further enacted by the authority aforesaid,* That the said canal, when cut, and the lands appropriated for this purpose, shall be and remain for ever thereafter for the public use, and free from all tolls whatsoever.

C H A P. XLIII.

An Act empowering the several persons therein mentioned to collect the arrears of taxes due them; also to authorize the securities of John Fort, late Sheriff of Sampson county, deceased, to collect from the inhabitants thereof the taxes due for the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That Richard Allen, late Sheriff for the county of Wilkes, in the year one thousand seven hundred and eighty-eight, and one thousand seven hundred and eighty-nine; Lewis Brown, late Sheriff of Hertford county, for the years one thousand seven hundred and ninety and one thousand seven hundred and ninety-one; and William M'Cree, late Sheriff of Mecklenburg, for the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four, are hereby severally authorized and empowered, to collect all arrears of taxes justly due and owing to each of the before mentioned persons, for the years aforesaid, as fully as the Sheriffs of the several counties within this state now are or may hereafter be authorized to do.

And whereas John Fort, deceased, late Sheriff of Sampson county, died previously to the collecting of the taxes due for the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four:

II. *Be it therefore enacted by the authority aforesaid,* That the securities of the said John Fort, deceased, Sheriff as aforesaid, are hereby authorized and empowered, to collect all the taxes that might lawfully have been collected for the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four by the said John Fort, deceased, any law to the contrary notwithstanding.

And whereas there are frequent instances of persons paying taxes and neglecting to take receipts for the same, and others through negligence may have lost them; and whereas such are now liable to be called upon for the payment thereof a second time: For remedy whereof,

III. *Be it enacted by the authority aforesaid,* That each and every person so called upon, shall be at liberty, by their own oath, or otherwise, to prove the payment of their taxes, or any part thereof, before any Justice of the Peace for their said county, and a certificate thereof, from under the hand of such Justice, shall be sufficient to exonerate him, her or them from the payment of the same, or so much thereof as may be certified by said Justice, any law, usage or custom to the contrary notwithstanding. *Provided nevertheless,* That nothing in this act shall be construed so as to affect the estate of any person who died since the commencement of the collection of the taxes above mentioned; and *provided further,* That this act shall cease to be in force from and after the first day of January, one thousand seven hundred and ninety-seven.

C H A P. XLIV.

An Act granting the inhabitants of the second and third battalions of the county of Rowan the privilege of separate elections:

WHEREAS the large extent of the county of Rowan, and the many difficult water courses therein, render it inconvenient for the inhabitants thereof to attend elections:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That the inhabitants of the second battalion of the county of Rowan, shall be entitled to the privilege of a separate election in said battalion, from that held at the court house, in the town of Salisbury, which said election shall be opened and held in the town of Lexington, on the Wednesday preceding the second Thursday and Friday in August, in each and

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and every year, by the Sheriff, or his proper deputy; the inhabitants of the third battalion of the said county of Rowan, shall have the privilege, from and after the passing of this act, of a separate election from that held in the town of Salisbury, which shall be opened and held by the Sheriff of said county, or his lawful deputy, at the dwelling house of Andrew Mocks, in said battalion, on the Wednesday preceding the second Thursday and Friday in August, in each and every year; at which time and places, every person of said second and third battalion, who is entitled to vote for members of each branch of the Legislature, both this and that of the Representatives of the United States in Congress, shall be entitled to give their suffrage in the same manner as those at the court-house, in the town of Salisbury.

II. *Be it further enacted by the authority aforesaid,* That it shall not be lawful for any person, residing within the limits of either of the battalions aforesaid, to give in his suffrage for members of the General Assembly at any other places than those prescribed by this act for their respective battalions; and any person residing in one of the battalions aforesaid, who shall give his vote in the other, and all persons residing in either of the said battalions giving their votes at the court house, shall forfeit and pay the sum of five pounds each, to be recovered upon the warrant of a magistrate, in the name and for the use of the person suing for the same.

III. *Be it further enacted,* That the said elections, when opened and held, shall be conducted under the same rules, regulations and restrictions as other elections of like nature are in this state; and the court of the county of Rowan are hereby required to appoint inspectors, to attend at the said elections of the second and third battalions at the time and places aforesaid, who, together with the Sheriff, or his lawful deputy, shall regulate the same accordingly; and when all the suffrages in said second and third battalions shall be given in, on the day aforesaid, they shall at the town of Lexington and the said Andrew Mocks be counted in a fair and impartial manner, and the total number thereof that may be given in for all and each of the candidates, shall be certified by the inspectors and Sheriff, or his lawful deputy, and by the Sheriff or deputy aforesaid transmitted to the court house of the county of Rowan, where they shall on the last day of the election held thereat, be added to those given in at the said court-house; and the candidates having the greatest number of all of said suffrages, shall be declared duly elected, as the law in that case directs, any thing to the contrary notwithstanding.

C H A P. XLV.

An Act to amend an act, entitled, "An act to alter the time of holding annual elections for members of the General Assembly in the county of Brunswick."

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That for the future the annual election for the members of the General Assembly to represent the said county from one annual session to the other, shall be held on the last Thursday in April next, and on the last Thursday of April in each year thereafter, and be otherwise conducted agreeable to law.

C H A P. XLVI.

An Act to emancipate James, a mulatto man, the property of John Cunningham, of Gates County.

WHEREAS it is the request of John Cunningham, of Gates county, that a mulatto man called James, should be liberated and set free, for certain meritorious services:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the said mulatto man called James, the property of said John Cunningham, be liberated and set free, and henceforward called and known by the name of James Cunningham, under which name he shall also henceforward be entitled to all the privileges of a free person of mixed blood in this state, and shall and may receive, hold, enjoy and possess all real and personal estate which he has now, or may hereafter lawfully acquire, either by purchase or by descent, in as full and ample a manner, as if he had been born free, any thing to the contrary notwithstanding.

C H A P. XLVII.

An Act to emancipate a certain mulatto girl therein named.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That Sally, a mulatto girl, the property of William Patton, by the name of Sally Pamilla, be and she is hereby declared to be free, by and under the name aforesaid; and she shall from henceforward enjoy the protection of the laws, and the benefits of the constitution of this state, in the same manner as others of her colour who were born free.

C H A P. XLVIII.

An Act vesting John Lane with a title, in fee simple, to certain lots in the town of Nixonton, as therein mentioned.

WHEREAS it hath been represented to this General Assembly, by petition of the inhabitants of the town of Nixonton, in Pasquotank county, that John Lane hath been at a considerable expence in reclaiming a quantity of swampy grounds in said town, to the great advantage and utility thereof, and by an act of Assembly, passed at Newbern, in one thousand seven hundred and ninety two, repealing an act for allowing a farther time for saving lots with in the several towns of this state so far as related to the towns of Nixonton and Hillsborough, the said John Lane will suffer considerable loss without the interposition of the Legislature: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the lots at present distinguished in the plan of said town of Nixonton, by number thirty one, thirty two, forty five, and forty six, shall be and are hereby vested in fee simple in the said John Lane, his heirs and assigns forever, any law to the contrary notwithstanding.

C H A P. XLIX.

An Act to pardon and restore Montfort Esbeck, of Halifax county, to the right and privileges of a free citizen.

WHEREAS Montfort Esbeck, of Halifax county, hath been convicted of petit larceny, committed in the said county, whereby he is deprived of the rights and privileges that a free citizen ought to enjoy; that the said Montfort had ever supported an honest character prior to the charges, and since his conviction, and that he is well worthy the clemency of the Legislature, to grant him a statute pardon, and restore him to his former privileges:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That notwithstanding the judgment and sentence against the said Montfort Esbeck, he the said Montfort is hereby pardoned and restored to all the rights and privileges of a free citizen, as fully and amply, as if no such judgment had been passed against him for the abovementioned crime, any law, usage or custom to the contrary notwithstanding.

C H A P. L.

An Act to establish a separate general muster on the west side of Pungo-river, in the county of Hyde.

WHEREAS it has been represented to this General Assembly, that the remote situation of sundry of the inhabitants of Hyde county, living on the west side of Pungo-river, renders it extremely difficult, and some times impossible, to attend general musters at the court house in said county: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all that part of Hyde county west of Pungo-river, containing the districts of Woodstock, Pungo, and Pungo river, shall be formed into a separate battalion, and it all hold their general musters at the house of Mr. Jacob Darden, on Pungo creek, on such day as the Colonel or commanding officer of said county may appoint

point for that purpose, under the same rules and regulations as are directed by the militia laws of this State; and the Colonel or some one of the field officers of the county aforesaid shall attend at the separate general musters as appointed by virtue of this act, to make return agreeable to law, any custom, usage or law to the contrary notwithstanding. *Provided nevertheless* That this act shall not be in force and have effect, unless the battalions on the west side of Pungo river shall consist of three hundred and twenty effective men, any thing in this act to the contrary notwithstanding. *And provided also*, That the Colonel or commanding officer of said county, when necessary for a review, may call the whole regiment to muster at the court house, once in two years, as heretofore.

C H A P. LI.

An Act to establish a town on the land of Edward Yarborough, on the Yadkin-river, in the county of Rowan.

WHEREAS it has been represented to this General Assembly, that erecting a town on the Yadkin river, will tend to promote the opening and facilitating the navigation of said river, as well as produce an early and speedy commercial intercourse with many counties bordering on said river:

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas Carlton, William Moore, John Sloan, Lewis Beard and Jacob Kether, or a majority of them, be and they are hereby appointed Commissioners, to contract and settle with Edward Yarborough for one hundred acres of land, and the ground to be agreed for to lay off in half acre lots on the back ground, and quarter acre lots on the water, at such price for each of the same as the said Commissioners, or a majority of them, may think proper, and convenient streets and squares; which lots, streets and squares are hereby constituted and erected into a town, and shall be called and known by the name of Island Borough; and the Commissioners aforesaid, or a majority of them, shall have full power, and are hereby required, to make or cause to be made a fair plan of said town, and mark and number each lot therein, and after reserving such number of lots as they may deem necessary for the use of said town, shall open subscriptions for the remainder of said lots for such persons as may think fit to subscribe for the same; and when a sufficient number of lots shall, in their opinion, be subscribed for, the said Commissioners shall appoint a day and give public notice thereof for drawing for said lots, which shall be done by ballot, in a fair and open manner, by the direction and under the inspection of said Commissioners, and each subscriber shall be entitled to the lot or lots drawn for him or her, and corresponding with the mark or number contained in the plan of said town; and the said Commissioners, or a majority of them, are hereby empowered to grant good and sufficient titles, in fee simple, for said lots, at the call of the subscribers: *Provided always*, That the said Edward Yarborough shall execute a sufficient deed of conveyance to the Commissioners aforesaid, for the lands agreed for by them to be laid off into a town, before they shall proceed to lay off or number the lots therein contained.

II. *And be it further enacted*, That if any of the Commissioners hereby appointed shall die, remove or refuse to act, the remaining Commissioners are hereby empowered and required to appoint, from time to time, some other person or persons, who may have a house or houses in said town, or are resident in the said county, in the place of him or them so removing, dying, or refusing to act; and the new Commissioner or Commissioners, so appointed, shall have the like power and authority in all matters and things, as if he or they had been expressly named and appointed by this act.

III. *And be it further enacted*, That the Commissioners of the said town shall be vested with, and are hereby declared to have, full power, from time to time, to pass any order they may judge proper promoting the good and safety of the said town, and the proper regulations thereof, and also to possess all authorities given by the laws of this State to the Commissioners of other towns; and in all their acts a majority shall constitute a quorum, nor shall they do business with a less number; and the said Commissioners are hereby required, from time to time, to call to account all persons for any moneys which may be or ought to be in their hands belonging to said town, and in case of their failure or refusal to pay, to bring suit for all such moneys, which shall be applied as a majority of the Commissioners may think most conducive to the emolument and advantage of said town.

C H A P. LII.

An Act for appointing Commissioners to fix on a proper place in the county of Wilkes, and to erect thereon a court-house, prison and stock, for the use of the said county, and to empower the county court thereof to lay a tax for the years one thousand seven hundred and ninety-six and one thousand seven hundred and ninety-seven, to defray the expenses of such buildings; and to appoint three Commissioners for public buildings in the county of Stokes.

I. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That James Lewis, John Bryant, Esquire, Benjamin Howard, J. M. Baitow, Mahael Kirby, Robert Cleveland, Thomas Cook, George Whitley and George Brown, Esqrs. be and they are hereby appointed Commissioners, for the purpose of fixing on a proper place in the county of Wilkes whereon to erect a court house, prison and stock, for the use of said county.

II. *And be it further enacted*, That the place agreed upon by a majority of the aforesaid Commissioners, shall be considered and is hereby established as the permanent seat of the public buildings for the said county of Wilkes; and the said Commissioners, or a majority of them, are hereby authorized and empowered, to purchase or procure fifteen acres of land, at the place to be fixed on as herein before mentioned, for the purposes aforesaid.

III. *And be it further enacted*, That at the first court of the said county which shall happen after the first day of February next, the Justices of the said county court of Wilkes shall and they are hereby empowered to lay a tax not exceeding two shillings on every poll, and a tax not exceeding eight pence on every hundred acres of land, in said county, for the years one thousand seven hundred and ninety six and one thousand seven hundred and ninety seven, for the purpose of defraying the expenses to be incurred in pursuance of this act; and the said taxes shall be levied, collected and accounted for by the collector of public taxes, and paid over to the Commissioners aforesaid, under the same rules and restrictions, and the collectors thereof subject to the same penalties and forfeitures for neglect of duty, or misconduct, as they are liable to for non payment of public taxes.

IV. *And be it further enacted*, That the Commissioners aforesaid, or a majority of them, after fixing on a proper place for the public buildings for the said county, are hereby authorized and empowered to contract with some person for erecting a court house, prison and stock, for the use of the said county; which they shall cause to be erected at the place so fixed on, and appropriate the taxes before mentioned to the purpose of defraying the expenses of the same.

V. *And be it further enacted*, That when the public buildings herein mentioned are completed, the Commissioners aforesaid shall state and settle their accounts with the Justices of the county court of Wilkes, who are hereby required to call them to account accordingly; and if any surplus of money remains in their hands unappropriated, after completing the buildings as aforesaid, they shall immediately pay the same into the hands of the County Treasurer, for the use of said county, under the penalty of five hundred pounds, to be recovered by the Chairman of the said county court, for the use of the said county of Wilkes.

VI. *And be it further enacted*, That as soon as the Commissioners aforesaid shall report the said buildings to be completed, or so far in readiness as to be fit for the accommodation of the court, the Justices thereof shall adjourn the court of pleas and quarter-sessions for the county of Wilkes to such court-house, and from thence forward the same shall be established the court house and place of public meetings for the said county; and all process and pleas depending in the said court, and all precepts returnable thereto, and also all the public records of the said county, shall be removed to and continued at the said court house hereby established.

VII. *And be it further enacted by the authority aforesaid*, That Constantine Ladd, Joseph Bitting and Isham Voss, are hereby appointed Commissioners, in the room and stead of Peter Hainston, Abraham Steiner and John Martin, Esquires; and they or any two of them are hereby empowered to employ workmen to rebuild the gaol, and erect a pillory and stocks in the county of Stokes, any thing in any law to the contrary notwithstanding.

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C H A P. LIII.

An Act for the preservation of the books and writings of the Register's-office of Bertie county.

WHEREAS it is represented to this General Assembly, that many of the books in the Register's office in Bertie county, wherein deeds and other writings have been registered, are through time and long use much defaced, and the binding of some broken, and the writings like to be lost :

1. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That the court of Bertie county shall, at the court next after the first day of January, one thousand seven hundred and ninety six, appoint three intelligent persons, to go to the Register's-office of Bertie county, and examine the books in the same, to far as to them appears needful, and if any of the books and writings in the said office shall appear to them to need new binding or transcribing, they or any two of them shall give an account of the same in writing, under their hands and seals, to the public Register of the said county, who is hereby directed, as soon as may be, agreeably to the directions so given him, to purchase a new book or books as may be sufficient, and return an account of the books purchased, and number of deeds and other writings that he has newly registered, to each succeeding court, until the whole so to be newly transcribed is completed ; and each succeeding court, on such return being made as aforesaid, shall make an order that the County Trustee shall pay the sum the same amounts to, and he shall be allowed for the same in the settlement of his accounts ; and the person registering shall be allowed the same for the books he purchased for the purpose aforesaid as they cost him, and shall further have three shillings for each and every deed by him newly registered, to be paid out of the county tax in manner aforesaid.

C H A P. LIV.

An Act to empower the county court of Carteret to lay a tax in said county, for the purpose of erecting a court-house therein.

1. **B**E it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That a tax, not exceeding two shillings on every poll, and eight pence on every hundred acres of land, and two shillings on every hundred pounds value of town property, be levied for the years one thousand seven hundred and ninety five, and one thousand seven hundred and ninety six, by the county court thereof : *Provided nevertheless,* Three fourths of the acting justices for said county shall be present when such tax is laid, for the purpose of erecting a court-house, for the use of said county : And that Benjamin Chaney, John Foltord, Malachiah Bell, Millery Herbert and Asa Bishop, be and they are hereby constituted and appointed Commissioners, for contracting and superintending the building of the said court house, who shall give bond with sufficient security to the chairman of the county court aforesaid, for faithfully executing the trust reposed in them by this act.

II. *And be it further enacted,* That the said taxes shall be collected by the persons appointed to collect the public taxes, and accounted for in the same manner, and under the same restrictions, as other public taxes ; and the same when collected, shall be paid into the hands of the Commissioners before mentioned, for the purpose aforesaid.

C H A P. LV.

An Act for pardoning Augustus Benton, late of Orange county.

WHEREAS Augustus Benton, late of Orange county, some time in the year of our Lord one thousand seven hundred and ninety-one, then being a Clerk, charged with criminally altering and counterfeiting certain certificates, with intent to defraud the state, purporting to be true and lawful certificates, issued by the Commissioners, Auditors and others legally empowered so to do by the state of North Carolina, in favour of several individuals, and being so charged, the said Augustus Benton fled for the same, whereby he became liable to the pains and penalties prescribed by law for offences of the above nature described : And whereas it is represented to this General Assembly, that the said Augustus Benton had, before the time of committing the above recited offence and offences, enjoyed and possessed a fair, honest and reputable character ; that he was at the time of said offence of a tender age ; that the said Augustus has by being exiled from his country and friends suffered much, and that there are great hopes of his reform and good conduct hereafter, if lenity should be shown him for his first offence :

1. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That the said Augustus Benton, late of Orange county, be and he is hereby fully, freely and absolutely pardoned of and from all and all manner of felonies, frauds, breaches of trust, crimes and misdemeanors whatsoever, by him the said Augustus Benton heretofore at any time committed or done, in altering, forging or counterfeiting certificates.

II. *And be it further enacted,* That in any indictment, presentment or other criminal charge now preferred, or that may hereafter be preferred against the said Augustus Benton, for any felony, fraud, breach of trust, crime or misdemeanor, committed or alleged to be committed by the said Augustus, the general issue may be plead, and give this act in evidence ; whereupon he shall be discharged by the Judge or Judges, Justice or Justices, of the court wherein the same is or may be preferred.

C H A P. LVI.

An Act to amend an act, entitled, " An act for establishing two places for holding general musters in the counties of Wilkes, Burke and Rutherford, and the place of holding courts martial, and for altering the manner of holding elections of members to represent said counties in the General Assembly," passed at Fayetteville, in the year one thousand seven hundred and eighty-nine.

1. **B**E it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That in addition to the two places for holding elections in the county of Wilkes, there shall be one other place established for holding elections in the settlement of the three forks of New-river, in said county, at such particular place in the said settlement as may be agreed on by a majority of the Commissioners herein after named.

II. *Be it further enacted,* That William Whittington, Joseph Ayres and Nathaniel Horton, be and they are hereby appointed Commissioners, for fixing on the place of holding the said election, which shall be holden by the Sheriff, or his deputy, on the Tuesday before the annual election in said county of Wilkes : And the ballots taken at the same shall be counted out in presence of and certified by the inspectors which may be appointed by the court, or by the Sheriff, if the court should fail to appoint them, and the same shall be brought to the court-house on the Saturday of the said election, and be considered a part of the election for the said county, and added to the ballots taken at the other elections therein : And said election shall be conducted in all other respects agreeably to the laws and constitution of this state.

III. *And be it further enacted,* That if any person shall vote at the election held at the court-house, or at the elections held on Naked Creek, who has previously voted at the election hereby established, he shall forfeit and pay the sum of five pounds, to be recovered by any person who will sue for the same, to his own use.

C H A P. LVII.

An Act to empower the county court of Rutherford to lay a further tax, to defray the expenses of building a court-house, prison and stocks for said county.

WHEREAS it has been represented to this General Assembly, that the tax heretofore laid for the purpose aforesaid has been found insufficient :

1. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same,* That the county court of Rutherford shall, and they are hereby authorized and empowered, to lay a tax on the inhabitants of said county for the year one thousand seven hundred and ninety-five, for the purpose aforesaid, not exceeding

ing one shilling and six pence on each poll, and six pence on every hundred acres of land, one shilling and six pence on every hundred pounds value of town property with their improvements; and the Sheriff of said county is hereby required to collect the same, and pay it into the hands of the County Trustee, by him to be applied to defray the remaining expence of the public buildings in said county: *Provided nevertheless*, That all persons in said county, who have actually paid and accounted for a tax for the year one thousand seven hundred and ninety-four, for the purpose aforesaid, (when payment shall be made appear by a receipt for the same, or the affidavit of the party, taken before some Justice of the Peace) shall not be subjected to the payment of the tax levied and authorized to be collected by this act.

C H A P. LVII.

An Act to empower the county court of Cabarrus to appoint Commissioners to erect public buildings in said county, and to repeal an act, passed at the city of Raleigh, in the year one thousand seven hundred and ninety-four, entitled, "An act to appoint Commissioners to erect a court-house, prison and locks in the county of Cabarrus."

BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the county court of pleas and quarter sessions which shall be first held for the county of Cabarrus after the passing of this act, be and they are hereby authorized and required to appoint three discreet and prudent persons, resident in said county, to superintend and contract with proper workmen for erecting a court house, prison and locks on the land of Samuel Hughey, that is to say, on twenty five acres of his land, as already surveyed and laid off by the Surveyor of Cabarrus county, whereon said Commissioners are hereby directed to have the said public buildings erected, for the use of said county; and the Sheriff of said county shall pay into the hands of said Commissioners, all sum or sums of money as he has or may collect for the purpose of defraying the expence of said buildings, and be by them applied accordingly.

II. *Be it further enacted*, That the said Commissioners are hereby empowered, to lay off and survey the said twenty five acres of land into acre or half-acre lots, with convenient streets, reserving such quantity thereof as shall be deemed necessary for the public buildings aforesaid; and the same to sell and dispose of at public vendue, for the most that can be gotten for each, giving ten days previous notice, by advertisement, of the place and day of sale, and execute titles in fee simple to the purchasers; which said lots, when so laid out, are hereby established and declared to be a town, which shall be called and known by the name of Concord; and the monies arising from said sale to apply to the purpose of discharging and defraying the expences of the public buildings aforesaid.

III. *And be it further enacted*, That in case any of the Commissioners to be by them appointed should die, remove or refuse to act, the said court are hereby required to appoint another or others in the room of him or them so dying or refusing to act, who shall possess the same authorities as those to be appointed in the first instance: And that the before recited act, and every part and clause thereof, be and the same is hereby repealed and made void.

C H A P. LIX.

An Act appointing a separate election to the inhabitants of the north side of Tar-river, in Pitt county.

WHEREAS it frequently happens that the inhabitants of Pitt county, on the north side of Tar-river, are prevented by high water from attending the election held at the court house in said county:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the Sheriff, or his lawful deputy, and he or either of them is hereby authorized and required, to open and hold an election for members of the General Assembly for the county of Pitt, at the house of John Mornings, senior, on the north side of Tar river, on the first day of the annual election as now established by law, and not at the court house; and that one hour before sun set of the said day, the said Sheriff or his deputy shall cause the boxes to be sealed up in the presence of the inspectors, and the same safely keep in his possession, and conveyed to the court house in Greenville; and on the ensuing day, at said court house, he shall open an election as heretofore, for the convenience of those persons residing on the south side of said river, and in presence of the inspectors cause the said boxes to be opened; and there receive their suffrages in the same manner, and under the same regulations, as elections for said county have heretofore been held and conducted: *Provided*, That nothing in this act contained shall prevent any person on either side of said river from voting at either of the aforesaid places, as his convenience may require, anything to the contrary herein contained notwithstanding.

C H A P. LX.

An Act authorizing the several persons therein named to collect the arrears of taxes due for the year one thousand seven hundred and ninety-one, one thousand seven hundred and ninety-two, and one thousand seven hundred and ninety-three.

WHEREAS it appears to this General Assembly that William Johnston, late Sheriff of Wilkes county, and John H. Spruce, late Sheriff of Guilford county, through lenity and inconvenience have not collected all the taxes due them as Sheriffs for the counties aforesaid, for the years one thousand seven hundred and ninety one, and one thousand seven hundred and ninety two:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That William Johnston, late Sheriff of Wilkes county, and John H. Spruce, late Sheriff of Guilford county, be and they are hereby empowered and authorized, to collect all the arrears of taxes which may be due and owing to them as Sheriffs of the counties aforesaid, for the years one thousand seven hundred and ninety one and one thousand seven hundred and ninety two, in as full and ample manner, as they could or might have done when Sheriffs as aforesaid.

And whereas it also appears, that part of the taxes due from the inhabitants of Johnston county, for the year one thousand seven hundred and ninety three, were not collected by Henry Gray, the Sheriff of that county, who is since dead; it appearing also that Samuel Smith and Matthias Handy, were the securities of the said Henry Gray for said year, and that the said Henry died insolvent; in order to enable the said Samuel Smith and Matthias Handy, the securities aforesaid, to collect the said taxes,

II. *Be it enacted*, That the collection of the taxes (due from the inhabitants of the county of Johnston) for the year one thousand seven hundred and ninety-three, shall be and is hereby vested in the said Samuel Smith and Matthias Handy; and they are hereby and effectually authorized and empowered to collect the aforesaid taxes, in as full and ample manner, as the said Henry Gray could or might have done had he lived, any law to the contrary notwithstanding: *Provided*, That this act shall cease to be in force from and after the first day of January, one thousand seven hundred and ninety even.

III. *And be it further enacted*, That every person, of whom is claimed by either of the aforesaid persons hereby authorized to collect the arrears of taxes, any such arrears, shall be at liberty to exonerate himself from the payment thereof, by his own oath, or other testimony.

C H A P. LXI.

An Act allowing the inhabitants of Burke the privilege of separate elections.

WHEREAS the great extent of the county of Burke renders it inconvenient to the citizens thereof in attending elections, and often intercepted by high waters:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That John Connelly, Henry Reed, Peter Thompson, William White and Mark Aarons, be and they are hereby appointed Commissioners, to fix on a convenient and proper place for the holding an election for the district composed of Captains Connelly's, Austin's, Summerlin's and Moore's companies; which place, when ascertained, the election for members

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members of the General Assembly shall be held thereat, on the Tuesday preceding the second Thursday and Friday in August, in each and every year.

II. *Be it further enacted by the authority aforesaid*, That the inhabitants in the upper part of said county shall also have the privilege of a separate election, for the district composed of the companies of Captains Herrell, Lane, Bradshaw and Hawkins, which shall constantly be held on the Wednesday preceding the second Thursday and Friday in August, in each and every year, at the place that the Commissioners herein appointed shall ascertain; and to effect the same, that Benjamin Burgin, Benjamin Adams, James Neal, William Devanport and William Cathy be and they are hereby appointed Commissioners, to settle on a place the most convenient and proper for holding elections in the upper part of said county, in the district aforesaid, which they, or a majority of them, in both cases before mentioned, are hereby required to perform as soon as convenient.

III. *And be it further enacted*, That the Sheriff of said county is hereby required to attend, by himself or his proper deputy, at the places and times heretofore mentioned, for the purpose of holding said elections, which shall be regulated under the same rules and restrictions as all other elections in like nature: And the court of the county aforesaid, are hereby required to appoint inspectors to attend at the places aforesaid, and regulate the same accordingly; which when effected, the Sheriff or his deputy shall seal up the boxes, and the same safely keep, without being opened or exposed, until the expiration of the election to be held at the court-house, when the whole number of suffrages contained therein shall be counted in a fair and impartial manner.

C H A P. LXII.

An Act to emancipate certain persons therein mentioned.

WHEREAS Lemuel Hall, a free man of mixed blood, hath represented to this General Assembly, that he hath purchased a certain woman slave, called Jenny, for a valuable consideration, who hath since become his legal wife; and he hath had by his said wife Jenny three children, called Seth, Milley and Tabitha: And whereas the said Lemuel Hall hath petitioned this General Assembly to emancipate and let free his said wife and children aforesaid:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That the aforesaid persons, Jenny, Seth, Milley and Tabitha, shall henceforth be emancipated and absolutely set free, by the name of Jenny Hall, Seth Hall, Milley Hall and Tabitha Hall; and the said persons of colour to be liberated, and each of them, are hereby declared to be entitled to all the privileges and immunities which free people of colour enjoy and possess in this state, any law to the contrary notwithstanding: *Provided nevertheless*, That nothing contained in this act shall be construed as to deprive any person or persons of his or their lawful claim, other than the said Lemuel Hall.

C H A P. LXIII.

An Act to alter the place of holding the separate election in the county of Tyrrell.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the separate election heretofore held in the county of Tyrrell, at the Fort Landing, be discontinued, and that the said separate election shall be held at the dwelling house of John Foster, where the Sheriff and inspectors shall attend at the time heretofore appointed for said separate election, and conduct the same, under the same rules, regulations and restrictions, as other elections of like nature, or heretofore prescribed in this case, any thing to the contrary notwithstanding.

C H A P. LXIV.

An Act to appoint Trustees, for the purpose of facilitating the navigation of Feebee river.

WHEREAS one of the Trustees heretofore appointed for the purpose aforesaid, has died, and two others who were appointed, refused to act:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That Edmund Luley, Farquard Campbell and Edmund Burton, be and they are hereby appointed Trustees, in the room of John Randall, John Lightfoot and James Tindall, for the county of Montgomery, and Elijah Hogan, Thomas Thredegill and Beverly Clark, for the county of Anson, to act with the Trustees heretofore appointed, for the purpose of clearing and opening Feebee river, with the same powers and authorities as were given to the Trustees by an act of the General Assembly, entitled, "An act for extending the navigation of Feebee river from the South Carolina line up to the mouth of Unarie river," passed at the city of Raleigh, in the year of our Lord one thousand seven hundred and ninety four; and the same duties shall be enjoined the Commissioners hereby appointed, and they shall be vested with the same rights, as if they and each of them had been particularly named in the before recited act, any thing to the contrary notwithstanding.

C H A P. LXV.

An Act granting to the inhabitants of Chatham county the privilege of a separate election.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That John Christian, Philemon Lacey, Wright Kirby, Gideon Goodwin and Elisha Cain, be and they are hereby appointed Commissioners, for the purpose of fixing on a proper place on the north side of Haw river, for the inhabitants residing in Captains Christian, Lacey, Kirby and Goodwin's districts, to give in their suffrages for members of the General Assembly and representatives to Congress; which place, when so appointed, the Sheriff or his deputy shall attend, on the day preceding the annual elect on for members of the General Assembly in this state, and shall open and held the poll, which shall continue open until sun-set of the same day, and shall then seal up the boxes in the presence of the inspectors, and convey the same on the day after the second Thursday and Friday aforesaid, to the court-house of said county, and shall then proceed to count the ballots therein contained.

II. *And be it further enacted*, That an election shall be held for the inhabitants of said county residing on the south side of said river, at the court house of said county, as usual, and be conducted in all respects as heretofore; and after the ballots taken on the north side of said river are counted out, together with those taken at the court house, the person or persons having the greatest number of votes shall be declared duly elected.

C H A P. LXVI.

An Act appointing Commissioners to fix on a proper place, at or near the centre of Moore county, for the purpose of erecting the public buildings.

WHEREAS the present situation of the court house, prison and stocks in the county of Moore, is found by experience to be very inconvenient and disagreeable to a great majority of the inhabitants of said county: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That Thomas McKeloe, Daniel McIntosh, John Camron, William Martin and William Barret, be and they are hereby appointed county Commissioners, for the purpose of fixing on some convenient place at or within two miles of the centre of said county of Moore, for the purpose of erecting the court house, prison and stocks thereon; and the said Commissioners are hereby empowered and authorized, to purchase from the proprietor or proprietors of such land whereon the said Commissioners shall agree to fix the public buildings, such quantity of land for that purpose as they, or a majority of them shall deem necessary.

II. *And*

II. *And be it further enacted*, That the court of the county of Moore are authorized and empowered to lay a tax on the inhabitants of said county, not exceeding two shillings on each poll, and eight pence on each and every hundred acres of land, in said county, for the purpose of defraying the expence incurred by virtue of this act.

III. *And be it further enacted by the authority aforesaid*, That Zebulon Beard, Daniel Smith and William Gudger, be and they are hereby appointed Commissioners, for the purpose of erecting a court house, prison and stocks in the county of Buncombe, in the room of those heretofore appointed by law who have refused to act; and the Commissioners by this act appointed, shall have and exercise the same power and privileges, in all cases, as those heretofore acting in that capacity might or could have done, any law, usage or custom to the contrary notwithstanding.

C H A P. LXVII.

An Act to authorize James Campbell, Esquire, and John Monroe, both of Cumberland county, to erect toll-gates across the public road at or near their ferries, on Little-river.

WHEREAS James Campbell and John Monroe, hath each of them built a toll-bridge across Little-river, in Cumberland county, and their places of dwelling are about half a mile from their said bridges, on the main road, and many persons cross said bridges in the night time, whereby they evade the payment of toll, to the great injury of the proprietors: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That the said James Campbell and John Monroe, are each of them hereby authorized to erect gates at their dwelling houses, on the main road, as aforesaid, for the purpose of collecting the tolls of their said public bridges, any law to the contrary notwithstanding.

C H A P. LXVIII.

An Act to amend an act, entitled, "An act to appoint Commissioners to contract for and purchase two half-acre lots in the town of Smithfield, and county of Johnston, and also to contract for the rebuilding of the court-house, prison and stocks therein."

WHEREAS one of the Commissioners appointed by the before recited act hath removed, and another refuses to act, and also the tax laid by the before recited act found insufficient to answer the purposes intended:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That Robert Gullett and Joseph Ingram, be and they are hereby appointed Commissioners, in the room of Thomas Gray, removed, and Everett Pierce, who refuses to act; and that they be vested with the same powers as those appointed by the before recited act.

II. *And be it further enacted*, That it shall and may be lawful for the Justices of the county court of Johnston, to lay a tax for the years one thousand seven hundred and ninety six and one thousand seven hundred and ninety-seven, of two shillings on each poll, two shillings on every hundred pounds value of town property, and eight pence on every hundred acres of land, for each year, to be collected and accounted for in the same manner as prescribed in the before recited act.

C H A P. LXIX.

An Act to establish a town now laid off on the land of Richard Edgworth, in the county of Anson.

WHEREAS it hath been represented to this General Assembly, that Richard Edgworth hath laid off sixty four half-acre lots, with convenient streets and alleys, on his own land, on Peedee river, in Anson county, for the purpose of establishing a town thereon; and that the same, when established, will be a convenient place for trade, as well as encourage the navigation of said river:

I. *Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That the aforesaid sixty four lots, of half acres each, as now laid off on the land of Richard Edgworth, in the county of Anson, be and the same is hereby constituted and established a town, by the name of Sneedborough.

II. *And be it further enacted by the authority aforesaid*, That William Peguiss, Richard Edgworth and William Johnston, be and they are hereby constituted and appointed Commissioners, for the purpose of carrying into effect the plan of said town, and of disposing of the same, in such manner as to them shall appear most advisable, but that the power and right of executing titles to the purchasers shall be in the said Richard Edgworth alone; and in all other matters and things relative to said town, a majority of said Commissioners shall constitute a quorum, with power to make and establish such regulations as to them may appear most conducive to the interest of the said town.

C H A P. LXX.

An Act to empower Commissioners to dispose of the former court-house and prison in the county of Montgomery, and to repeal an act, passed at Newbern, one thousand seven hundred and ninety-two, for limiting the time for saving lots in the towns of Nixonton and Hillsborough, so far as respects the town of Hillsborough, and for compelling the Clerk of Bladen county court to keep his office at or within two miles of the court-house of said county.

BE it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That Thomas Childs, Rowlin Harris and Cary Pritchard, be and they are hereby appointed Commissioners, with full power and authority to dispose of the former court house and prison in the county of Montgomery, situated on the land whereon James Findall formerly lived, at public vendue, first advertising the same ten days previous to the sale, and giving such credit as they may deem necessary, taking bond with sufficient security, payable to them as Commissioners, and the same when due to ask, demand, sue for and receive, and by them to be applied to the purpose of defraying the expence of erecting and completing the new court house now about to be built for said county.

II. *And be it further enacted by the authority aforesaid*, That so much of an act passed at Newbern, in the year one thousand seven hundred and ninety-two, for limiting the time for saving lots in the towns of Nixonton and Hillsborough to three years, so far as respects the town of Hillsborough, be and the same is hereby repealed.

III. *And be it further enacted*, That it shall be the duty of the clerk of the county court of Bladen, from and after the first day of May next, to remove his office to and keep it within the town of Elizabeth, or within two miles thereof.

C H A P. LXXI.

An Act to secure to Catherine Houser, wife of Henry Houser, such estate as she may hereafter acquire.

WHEREAS it hath been made appear to this General Assembly, that Henry Houser for several years past hath absent-ed himself from his said wife Catherine, and intermarried with another woman, with whom he continues to live; and having it in his power to deprive his said wife Catherine of such estate as she may by her industry or otherwise obtain:

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the said Catherine Houser shall be entitled to possess and enjoy, in her sole right, all estate either real or personal which she may hereafter acquire by purchase or descent, in as full and ample a manner as if she the said Catherine had never been married to the said Henry, clear from the claim or claims of the said Henry, or any creditor or creditors of the said Henry; and the said Catherine shall and may have full power and authority to sue for and recover, in any court having cognizance thereof, from the said Henry, or any other person or persons, any property or estate which she may be entitled to, in the same manner as if the said Catherine had never been married to the said Henry, any law, usage or custom to the contrary notwithstanding.

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II. *And*

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II. *And be it further enacted*, That from and after the passing of this act, the said Henry Houser shall not be liable for any debt contracted by the said Catherine, any law to the contrary notwithstanding.

C H A P. LXXII.

An Act to establish a town on the south side of the Yadkin and Peedee river, on the land of James Tindall, deceased.

WHEREAS a town has been laid out by the executors of James Tindall, deceased, on his land, opposite to Henderson town, by virtue of the powers to them given by his last will and testament:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That one hundred and twenty one half-acre lots, as already laid off and surveyed by the executors of James Tindall, be and the same are hereby established a town, by the name of Tindallville.

II. *And be it further enacted by the authority aforesaid*, That George Davidson, John Smith, Farquard Campbell, Edmund Burton and Barnabas Dunn, be and they are hereby appointed Commissioners, for the further designing, building and improving the said town; and in case of the death, removal out of the county, or refusal to act, of any of the said Commissioners hereby appointed, it shall be lawful for the survivor or survivors, or a majority of them, to appoint another or others in the room of him or them so dying, removing, or refusing to act; which said Commissioner or Commissioners, so appointed, shall have and exercise the same powers and authorities, in all matters herein contained, as the person in whole room or stead he was appointed had and exercised.

III. *And be it further enacted*, That it shall be the duty of the executors of the said James Tindall, by virtue of the authority contained in his last will and testament, to make title and execute a deed or deeds of conveyance to the purchaser or purchasers of any of the said lots, any thing herein contained to the contrary notwithstanding.

C H A P. LXXIII.

An Act empowering the court martial of the county of Northampton to divide the regiment of said county into two battalions, and to appoint two places for the purpose of holding battalion musters.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That the court martial of the county of Northampton, shall have the power and authority to divide the regiment of said county into two battalions, and appoint separate places for each battalion to hold their battalion musters; which places, when so appointed, shall be considered as the places of holding their future battalion musters; and the Colonel or commanding officer in said county is directed to order the inhabitants to attend at said places, on such days as he may direct, and be exercised, disciplined, armed and accoutred, in the same manner, and under the same regulations, and shall be subject to the same pains and penalties, fines and forfeitures, for disobedience or neglect, as by law is prescribed for the regulation of other general musters in this state. *Provided*, That the commanding officer in said county shall have power to call the said regiment to the court house in said county once in two years.

II. *And be it further enacted*, That the officer in said battalions shall hold courts martial at the places so appointed, on the day subsequent to each battalion muster, to hear the excuses of delinquents, who shall attend accordingly for trial.

C H A P. LXXIV.

An Act to revive an act, entitled, "An act to empower the county courts of Gates and Perren to lay a tax in said counties, for the purpose of erecting the public buildings thereon," passed at Newbern, in the year one thousand seven hundred and ninety-two.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That the before recited act, shall remain and continue in force, as relates to the county of Gates, for one year from the passing of this act, under the same rules and regulations as are prescribed for the year one thousand seven hundred and ninety-four, if the court thereof think it necessary.

II. *And be it further enacted by the authority aforesaid*, That the before recited act, shall remain and continue in force, as relates to the county of Perren, for two years from the passing of this act, under the same rules and regulations as are prescribed for the years one thousand seven hundred and ninety-three and one thousand seven hundred and ninety-four, for levying a tax, if the court thereof think it necessary.

C H A P. LXXV.

An Act to empower Henry Deberry, former Sheriff of Montgomery county, to collect all arrearages of taxes due him for the years one thousand seven hundred and ninety-one and one thousand seven hundred and ninety-two.

I. *Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same*, That Henry Deberry, late Sheriff of the county of Montgomery, be and he is hereby empowered and authorized, to collect all the arrearages of taxes due him in said county, for the years one thousand seven hundred and ninety-one and one thousand seven hundred and ninety-two; and the said Henry Deberry is hereby vested with all and singular the powers and authorities for the collection of said arrearages, with which Sheriffs of the several counties are now vested, by the several acts of Assembly in such case made and provided.

*Read three times and ratified in General Assembly,
by, the ninth day of December, 1795.*

BENJAMIN SMITH, S. S.
JOHN LEIGH, S. H. C.

Copy,

J. GLASGOW, Secretary.

NORTH-CAROLINA.

IN THE HOUSE OF COMMONS, November 23, 1795.

RESOLVED, That the bill to secure property to religious societies or congregations of every denomination, be printed for information, and annexed to the laws that pass during the present session.

J. LEIGH, S. H. C.

By order, J. HUNT, C. H. C.

IN SENATE, November 26, 1795.

Concurred with.

BENJAMIN SMITH, Speaker.

By order, S. HAYWOOD, C.

A bill to secure property to religious societies or congregations of every denomination.

WHEREAS several donations have been given by divers persons for the use of promoting sundry religious societies and congregations in this state, and no person being legally authorized to receive and appropriate the same agreeably to the intention of the donors :

Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That it may be lawful for any religious society or congregation in this state, if they should deem it necessary, at any time to elect any number of persons they may think proper, as Trustees for their respective societies or congregations from whole body they may have been selected ; and all such persons so appointed, or their successors in office, are hereby vested with full and ample power to purchase and hold ; in trust, for such society or congregation to which they may belong, any lands, houses or tenements, and to receive gifts and donations of any nature or kind whatsoever, for the use and benefit of such society or congregation.

And be it further enacted, That it may be lawful for Trustees acting under the authority of this act, to sue and be sued, for the recovery of any gift or donation that has heretofore or shall hereafter be given, whether real or personal property ; and if any recovery shall be made by the said society or congregation, or their Trustees, such recovery shall enure to the sole use of their respective societies or congregations to which they may belong.

And be it further enacted, That it shall be lawful for such religious societies or congregations, at any time they may think proper, to cause the said Trustees to account for all such property of any nature or kind whatsoever that may have been committed to their trust, and in case of refusal or neglect, when required so to do, it shall be lawful for the society or congregation to elect any number of persons, as agents in behalf of said society or congregation, to bring suit for the recovery thereof.

And be it further enacted, That all lands, houses, tenements, gifts, or donations, of any kind or nature whatsoever, that have been heretofore or may hereafter be given, granted or otherwise confirmed or conveyed to any religious society or congregation, or to any of the members thereof, for the use of said society or congregation, shall be hereby deemed and held valid in law to convey to the said society or congregation, or respective societies or congregations, the absolute estate of all such property as may have been intended to be made or expressed in such deed of sale, will or gift. *Provided nevertheless,* That nothing contained in this act shall tend to affect the claim or claims of any other person or persons except the donor, his heirs, or those claiming under him or them, from whom the respective societies or congregations may have derived their titles. *And provided also,* That nothing herein contained shall be so construed as to extend to the establishment of any church or religious society or congregation, in any wise whatsoever.

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C O N T E N T S.

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| An act for raising a revenue for the payment of the civil list and contingent charges of government for the year one thousand seven hundred and ninety six ; and to amend an act, entitled, " An act to amend the revenue laws of this state," passed in December, in the year 1791. | ing slaves into this state, and also for imposing certain restrictions on free persons of colour who may hereafter come into this state. 10 |
| To amend an act, entitled, " An act for dividing the state into districts for the purpose of electing representatives to Congress," passed at Newbern, in the year 1792. | To amend an act, entitled, " An act to prevent the issuing of grants for lands entered with any of the Entry takers in this state in certain cases ;" and to prevent the issuing warrants of survey in manner as is described. 11 |
| To encourage the cutting of canals by subscription. 12 | Directing the manner in which the Clerks of the several superior and county courts shall hereafter make their returns to the Comptroller. 13 |
| To amend the laws heretofore passed concerning court houses and prisons, and to provide for the safe keeping and humane treatment of persons in confinement. | To raise a fund for the support of an health officer and harbour master in the port of Wilmington in this state. 14 |
| To direct the manner of proceeding upon Impeachments. | To empower the Commissioners of navigation of the port of Wilmington, to appoint an health officer and harbour master for their said port. 15 |
| To amend an act, passed at Hillsborough, in the year of our Lord 1784, entitled, " An act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments." | To encrease the pilotage for bringing and carrying vessels over the bar of Cape Fear. 16 |
| Encouraging the draining of low lands. 17 | To amend an act, entitled, " An act authorising the county courts of pleas and quarter sessions to divide and appropriate the real estate of intestates," passed in the year 1787. 18 |
| Granting further time for proving and registering bills of sale and deeds of gift. | To establish and incorporate a company for the purpose of cutting a navigable canal from Clubfoot's creek to Hartlow's creek, and to repeal all acts heretofore passed relative thereto. 19 |
| Giving a further time for the registration of certain deeds issued from Lord Granville's office. | To annex part of the county of New Hanover to Sampson. 20 |
| To amend an act, entitled, " An act to prevent the inhabitants of South Carolina driving their flocks of cattle from thence to range and feed in this province, and other purposes," passed in the year 1766. | For establishing a charitable fund for the relief of decayed mechanics in the towns of Fayetteville and Wilmington. 21 |
| To alter the time of the annual meeting of the General Assembly. | To amend an act, entitled, " An act for holding two separate elections for the county of Carteret," passed at Newbern, in the year 1791 ; and one other act, passed at Fayetteville, in the year 1793. 22 |
| To amend the third section of an act, entitled, " An act for levying a tax for defraying the contingencies of the several counties in this state, and other purposes," passed in the year 1777. | To suspend the operation of an act of Assembly, entitled, " An act to enable the county courts to appoint Commissioners to keep open rivers and creeks at their several falls for the passage of fish up the same." 23 |
| To amend an act, entitled, " An act for appointing an additional Judge of the superior court of the district of Morgan, and for the relief of persons who have or may hereafter forfeit their recognizances in the superior and county courts," passed at Fayetteville, in the year 1788. | To authorise and empower the Commissioners of the city of Raleigh to compel the inhabitants living within a certain distance of the said city to work on the streets thereof, and to pay poll taxes. 24 |
| To enable the Secretary to collect the moneys due him from the Entry-takers and grantees. | To establish two places for holding general musters and elections for members of the General Assembly in the counties of Montgomery and Richmond. 25 |
| To exonerate the securities of guardian bonds after a limited time. | To empower the court-martial of Mecklenburg county to divide the militia of said county into three battalions, and to appoint places of muster in each. 26 |
| To prevent any person who may emigrate from any of the West India or Bahama islands, or the French, Dutch or Spanish settlements on the southern coast of America, from bring- | |

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| Establishing a separate election at Hogstown, in the county of Martin. | 20 | Burke and Rutherford, and the place of holding courts martial, and for altering the manner of holding elections of members to represent said counties in the General Assembly," passed at Fayetteville, in the year 1789. | 26 |
| To establish a separate election at Hogstown, in the county of Martin. | ib | To empower the county court of Rutherford to lay a further tax, to defray the expences of building a court-house, prison and stocks for said county. | ib. |
| To empower the county court of Montgomery to appoint persons to copy the books of the Register in said county. | ib. | To empower the county court of Cabarrus to appoint Commissioners to erect public buildings in said county, and to repeal an act, passed at the city of Raleigh, in the year 1794, entitled, "An act to appoint Commissioners to erect a court-house, prison and stocks in the county of Cabarrus." | 27 |
| Granting the inhabitants of the county of Cumberland the privilege of a separate general muster and election in said county, and to grant the inhabitants of Northampton the privilege of separate elections. | 21 | Appointing a separate election to the inhabitants of the north side of Tar-river, in Pitt county. | ib. |
| To repeal part of an act, entitled, "An act to amend an act, entitled, An act to establish a town on the land of William Hermitage, at a place called Atkyn's Banks, in Dobbs county," passed in the year 1784. | ib. | Authorising the several persons therein named to collect the arrears of taxes due for the years 1791, 1792, and 1793. | ib. |
| To pardon and restore to credit William Morgan. | ib. | Allowing the inhabitants of Burke the privilege of separate elections. | ib. |
| For the better regulation of the town of Wilmington. | ib. | To emancipate certain persons therein mentioned. | 28 |
| To emancipate a mulatto boy by the name of Gustavus Adolphus Johnston, in the county of Chowan, and also a mulatto girl by the name of Amy Phillips in the county of Brunswick. | 22 | To alter the place of holding the separate election in the county of Tyrrell. | ib. |
| For altering the names of certain persons therein mentioned. | ib. | To appoint Trustees, for the purpose of facilitating the navigation of Peedee-river. | ib. |
| To alter the names of certain persons therein mentioned, and to entitle them to inherit in the same manner as if born in wedlock. | ib. | Granting to the inhabitants of Chatham county the privilege of a separate election. | ib. |
| To emancipate Frank, a person of colour. | 23 | Appointing Commissioners to fix on a proper place, at or near the centre of Moore county, for the purpose of erecting the public buildings. | ib. |
| To enable certain persons therein named to cut a navigable canal from the Hearn-Bay to Swan-Quarter Bay, in Hyde county. | ib. | To authorise James Campbell, Esq. and John Monroe, both of Cumberland county, to erect toll gates across the public road at or near their ferries, on Little-river. | 29 |
| Empowering the several persons therein mentioned to collect the arrears of taxes due them; also to authorise the securities of John Fort, late Sheriff of Sampson county, deceased, to collect from the inhabitants thereof the taxes due for the years 1793 and 1794. | ib. | To amend an act, entitled, "An act to appoint Commissioners to contract for and purchase two half acre lots in the town of Smithfield, and county of Johnston, and also to contract for the rebuilding of the court-house, prison and stocks therein." | ib. |
| Granting the inhabitants of the second and third battalions of the county of Rowan the privilege of separate elections. | ib. | To establish a town now laid off on the land of Richard Edgworth, in the county of Anson. | ib. |
| To amend an act, entitled, "An act to alter the time of holding annual elections for members of the General Assembly in the county of Brunswick." | 24 | To empower Commissioners to dispose of the former court-house and prison in the county of Montgomery, and to repeal an act, passed at Newbern, 1792, for limiting the time for laying lots in the towns of Nixonton and Hillsborough, so far as respects the town of Hillsborough, and for compelling the Clerk of Bladen county court to keep his office at or within two miles of the court-house of said county. | ib. |
| To emancipate James, a mulatto man, the property of John Cunningham, of Gates county. | ib. | To secure to Catherine Houser, wife of Henry Houser, such estate as she may hereafter acquire. | ib. |
| To emancipate a certain mulatto girl therein named. | ib. | To establish a town on the south side of the Yadkin and Peedee river, on the land of James Tindall, deceased. | 30 |
| Vesting John Lane with a title, in fee-simple, to certain lots in the town of Nixonton, as therein mentioned. | ib. | Empowering the court martial of the county of Northampton to divide the regiment of said county into two battalions, and to appoint two places for the purpose of holding battalion musters. | ib. |
| To pardon and restore Montfort Belbeck, of Halifax county, to the right and privileges of a free citizen. | ib. | To revive an act, entitled, "An act to empower the county courts of Gates and Person to lay a tax in said counties, for the purpose of erecting the public buildings thereon," passed at Newbern, in the year 1792. | ib. |
| To establish a separate general muster on the west side of Penguin river, in the county of Hyde. | ib. | To empower Henry D. berry, former Sheriff of Montgomery county, to collect all arrearages of taxes due him for the years 1791 and 1792. | ib. |
| To establish a town on the land of Edward Yarborough, on the Yadkin river, in the county of Rowan. | 25 | A BILL to secure property to religious societies or congregations of every denomination. | 31 |
| Appointing Commissioners to fix on a proper place in this county of Wilkes, and to erect thereon a court house, prison and stocks, for the use of the said county, and to empower the county court thereof to lay a tax for the years 1795 and 1797, to defray the expence of such buildings; and to appoint three Commissioners for public buildings in the county of Stokes. | ib | | |
| For the preservation of the books and writings of the Register's office of Bertie county. | 26 | | |
| To empower the county court of Carteret to lay a tax in said county, for the purpose of erecting a court house therein. | ib | | |
| For pardoning Augustus Benton, late of Orange county. | ib | | |
| To amend an act, entitled, "An act for establishing two places for holding general musters in the counties of Wilkes, | | | |